

354. Also, evidence in support of House bill 2721, granting an increase of pension to Mary Ellen Dalgarn; to the Committee on Invalid Pensions.

355. Also, evidence in support of House bill 2722, granting an increase of pension to Elizabeth R. McConnell; to the Committee on Invalid Pensions.

356. Also, evidence in support of House bill 2723, granting an increase of pension to Mary Slosser; to the Committee on Invalid Pensions.

357. Also, evidence in support of House bill 2724, granting an increase of pension to Alice E. Chapman; to the Committee on Invalid Pensions.

358. Also, evidence in support of House bill 2725, granting an increase of pension to Ellen M. Carey; to the Committee on Invalid Pensions.

359. Also, evidence in support of House bill 2726, granting an increase of pension to Eliza J. Wilson; to the Committee on Invalid Pensions.

360. Also, evidence in support of House bill 2727, granting an increase of pension to Josephine A. Carlton; to the Committee on Invalid Pensions.

## SENATE

FRIDAY, May 10, 1920

(Legislative day of Tuesday, May 7, 1920)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. GOFF obtained the floor.

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	McMaster	Smoot
Ashurst	Frazier	McNary	Steck
Barkley	George	Metcalf	Steiwer
Bingham	Gillett	Moses	Stephens
Black	Glenn	Norbeck	Swanson
Blaine	Goff	Norris	Thomas, Idaho
Blease	Gould	Nye	Thomas, Okla.
Borah	Greene	Oddie	Trammell
Brookhart	Hale	Overman	Tydings
Broussard	Harris	Patterson	Tyson
Burton	Harrison	Phipps	Vandenbergh
Capper	Hatfield	Pine	Wagner
Caraway	Hawes	Fittman	Walcott
Connally	Hayden	Ransdell	Walsh, Mass.
Copeland	Hebert	Reed	Walsh, Mont.
Couzens	Hedlin	Robinson, Ark.	Warren
Cutting	Howell	Robinson, Ind.	Waterman
Dale	Johnson	Sackett	Watson
Deneen	Kean	Schall	Wheeler
Dill	Keyes	Sheppard	
Edge	King	Shortridge	
Fess	La Follette	Simmons	

Mr. DILL. I wish to announce that my colleague [Mr. JONES] is detained from the Senate owing to illness.

The PRESIDENT pro tempore. Eighty-five Senators having answered to their names, there is a quorum present. The Senator from West Virginia is entitled to the floor.

### MOTHER'S DAY

Mr. GOFF. Mr. President, Mother's Day originated with Miss Anna Jarvis, of Grafton, W. Va., now of Philadelphia. Her mother was an unusual and outstanding character in the community life of that well-known city, and at her death all who knew her, in a spirit of love and reverence, requested that a memorial be arranged in which they all might participate. In planning this tribute Miss Jarvis conceived the idea of a national memorial to the American mother. She recognized the prevailing widespread influence of the material spirit of the day. She saw the effect of the neglect of home ties engendered by the whirl and pressure of modern life. She, as we all do, felt the lack of deference and respect to their parents among the children of this generation, and so she was laudably and gratefully impelled by her own great grief to remind everyone of the debt we owe our mothers.

In May, 1914, Congress designated the second Sunday in that month as Mother's Day, and duly authorized the President to issue a proclamation calling upon all Government officials and inviting the people of the Nation to display the American flag on all Government buildings and in their homes on that day.

Centuries ago a discerning philosopher discovered that "The pearl is the image of purity, but woman is purer than the pearl." Homer, 500 years later, immortalized the Grecian mother in the proud description: "She moves a goddess, and she looks a queen." In all human thought there is not a nobler,

higher, finer ideal than the word "mother." In every age it has gardened the earth with the blossoms of love—the flowers of heaven. Motherhood is the salvation or the destruction of the race, carrying as it does the destinies of mankind in the folds of its mantle.

A great thinker in thoughts divine from his scholastic soul tells us thus:

When Eve was brought unto Adam, he became filled with the Holy Spirit, and gave her the most sanctified, the most glorious of appellations. He called her Eva, that is to say, the Mother of All. He did not style her wife, but simply mother, mother of all living creatures. In this consists the glory and the most precious ornament of woman.

How beautiful, and how inspiringly true! Never can we forget our noble, sainted mothers. On the blue mountains of our dim childhood, toward which we ever turn and gaze, stand today the angelic mothers who marked out to us from whence our course should be and how our lives should be lived. And Shakespeare sees her:

So pure and sweet, her fair brow seemed eternal as the sky,

And like the brook's low song, her voice,

A sound that could not die.

She made life a heaven here because she believed in and taught the gospel of cheerfulness, love, happiness, and hope. She lived and she suffered for truth, sympathy, intellectual, and moral liberty. She gave her best, the sunshine of an earnest, honest, gifted soul, for the good of others. She lived and she lives for home, family, and country, with a devotion that transcends words. She loved the poor, the helpless, the victims of toil and want. She pitied, and she abhorred deceit. She hated falsehood in any form, and she gave always, without expecting return, what she claimed or exacted from others. She lived her principles and looked always with forgiving, tender eyes upon our failings. She beguiled our grief with soothing care, and mended our broken hopes with caressing and tender promises of sweet reward. Always she was positive without severity, and firm without arrogance. She taught us courage, intelligence, integrity, and the mighty hopes that make us men. She taught our helpless lips to lisp the blessings that came to them from her heart, her body, and her soul. She reared us to know and feel that life is to live and love, those who love us here—

Thou art thy mother's glass and she in thee

Calls back the lovely April of her prime.

And may the gratitude of our lives ever mirror her image and reflect her divinity.

She led me first to God;

Her words and prayers were my young spirit's dew

For when she used to leave

The fireside every eve,

I knew it was for prayer that she withdrew.

She enriched mankind with grace supreme. She was an angel of charity and always busy beyond her strength and her means. Yes; how cheerful she was as she moved among us, and knowing that her influence was a power in trust she builded ever for posterity. She loved the good and all the worth while loved her. She taught us to think, and to know that the home was merely a miniature of the larger world outside. She made the hearthstone sacred, and, forgetting self, she sought favors only for those she served. She was free. No evil could bribe her mind or intimidate her soul, and she knew no fear except the fear of doing wrong. Ever in honoring our mothers we pay a tribute to ourselves and testify to our ideals. Thus we come to realize that only the voiceless speak forever, and that from her fair and unpolluted flesh violets spring and blossom, perfuming the world with peace and love and joy.

A mother's love, how sweet the name,

What is a mother's love?

A noble, pure, and tender flame

Enkindled from above

To bless a heart of earthly mold,

The warmest love that can grow cold

This is a mother's love.

If we would know our mother, her life, her heart, her motives, the depth and the tenderness of her sympathy, the nobleness of her nature, the beauty of her spirit, and the splendid integrity of her stainless soul, we must go stand by her grave and let the memories of childhood surge and resurge through the mind. She will come back from the palace of eternity in all the dignity and the grace of her blessed perfection. She will come back like faint, exquisite music, so kind, so beautiful, so gentle, so holy, with that smile which will ever be to us our first glimpse of God and love as she scattered the

seeds of faith that we might reap the golden grain of spiritual strength and moral growth.

How often has the thought  
Of my mourn'd mother brought  
Peace to my troubled spirit and new power  
The tempter to repel.  
Mother, thou knowest well  
That thou has blest me since my natal hour.

Mr. President, a mother's love is but the mortal expression of the spirit of God. It is God in the hearts and on the lips of little children. It comes from eternity, because it has always existed. The inanimate can not produce the animate any more than the insensate can produce the sensate. If it is impossible, and it is, to conceive of a finite result without a cause, how can the human mind accept an infinite effect and view it as causeless?

Indeed, a mother's love is the golden link that binds youth to age, and he is still a child, however time may have furrowed his cheek or silvered his brow, who can yet recall with a softened heart the fond devotion or the gentle chidings of the best friend that God ever gave this earth.

Her faith and her confidence endure forever, in good or in bad repute, and ever recalling the smiles that filled her heart with pride and the confident, generous promises of youth, she still loves on and hopes that her child may turn from evil and be what she intended and hoped in her agony of travail and prayer.

Would, mother, you could hear me tell  
How oft amid my brief career  
For sins and follies lov'd too well  
Have fallen the free, repentant tear.  
And in the waywardness of youth  
How better thoughts have given to me  
Contempt for error, love for truth,  
'Mid sweet remembrances of thee.

A father may turn his back on his child, brothers and sisters may become inveterate enemies, husbands desert their wives and wives their husbands. This we know. But the irrepressible and indestructible affections of her who at her own peril went down into the valley of the shadow of death to give us immortal life will abide with us until we also go down into that same valley and feel again the clasp of her waiting hand and go with her into the Eden of that eternity, where never again shall we feel or see the dust and the glare of an earthly day.

In this gracious presence, at this hour and place, may we not indulge the perfect hope that America, as she stands to-day beneath the heaven of a mother's eyes, will, with a reverence sacred and sublime, remember as an evidence of her faith her who enriched all mankind and gave us flesh and blood, the pulse and the breath of the great and only living God. No work is so high, so noble, so grand, so enduring, so important for all time as the making of a character in a little child. Yes; if all of a mother's sacrifices to sorrow, sin, and pain could be changed into the melodies of her sweetest joy, a symphony would fill the sky. And for those who can not realize their ideal, a mother's memory will idealize their real. She is a distinct and an individual creation, and in the empire of the world she transcendently carries the torch of truth, illuminating the pathway to justice, temperance, courage, and fortitude.

Mr. President, there she stands, her sainted voice singing soft and low, the exquisite mother of the race, in all her purity, at the beginning of time, on the mist and drift of melting clouds in the first dawn of emerging beauty with a child at her breast through whose lips God was breathing His everlasting purposes and consecrating them both to immortality.

Mr. President, I introduce a joint resolution, which I ask may be referred to the Committee on the Library and that it may be printed in the RECORD following my remarks. I do not ask to have it read.

The joint resolution (S. J. Res. 37) authorizing the placing in the National Statuary Hall of a statue in honor of the American mother and other patriotic women of the United States was read twice by its title, referred to the Committee on the Library, and ordered to be printed in the RECORD, as follows:

Whereas on the 9th day of May, 1914, the Hon. Woodrow Wilson, President of the United States, duly issued a proclamation, pursuant to a joint resolution of the two Houses of the Congress of the United States, designating the second Sunday in May as Mother's Day, and for other purposes; and

Whereas many of the States of the United States of America have placed in Statuary Hall in the Capitol memorials to their famous men; and

Whereas it would seem fitting and proper that the Federal Government as such should also have the privilege of placing memorials to its citizenship in this hall; and

Whereas the American mother and other patriotic women have done and are doing so much for the home, moral uplift, and religion, and hence so much for good government and humanity, through their sacrifices, patriotism, fidelity, and industry: Therefore be it

Resolved, etc., That there shall be placed in the National Statuary Hall, in honor of the mothers and other patriotic women of the United States, a statue representing the typical American woman, which shall be dedicated on a future Mother's Day as founded by Anna Jarvis, of Philadelphia.

SEC. 2. A commission is hereby created to be composed of five members to be appointed by the President. The commission is authorized to consider plans for the design, erection, and dedication of such statue and to procure such designs and estimates of cost as it deems advisable, and to make a report to the Congress, with its recommendations, as soon as practicable.

Mr. HEFLIN. Mr. President, I am sure all Senators enjoyed the eloquent address of the Senator from West Virginia on Mother's Day. I appreciate what he had to say about me as the humble author of the resolution which designates the second Sunday in May as Mother's Day.

I recall a poem which speaks the truth:

The greatest battle that ever was fought—  
Shall I tell you where and when?  
On the map of the world you will find it not;  
It was fought by the mothers of men.

As the Senator from West Virginia spoke about mother love, I thought, as perhaps did every Senator here and every one who heard his address, of the beautiful devotion of the mother to her offspring.

The most beautiful thing this side of heaven is the mother's love for her child. It is the only love amongst mortals that will suffer all things and endure all things. Through prosperity and good fortune, through sickness and health, through life and death, it is the same beautiful, unselfish, and unchangeable mother love.

And the poet truly tells us that—

He who, harking back to youth,  
Goes forth and nobly tries  
To color life to match the light  
That shines from mother's eyes.  
He will not pride his faltering feet  
Upon the race they've made,  
But search his heart, and bless the part  
That mother love has played.  
He'll walk adown the ways of life,  
And in his daily prayer  
Thank God that all his best was born  
In that old bye-bye chair.  
The world at times has beat me back  
In battles I have fought;  
Not always has the god success  
Touched tasks in which I wrought.  
Full oft has fortune dealt a blow  
Instead of bent to bless,  
And heartaches followed close upon  
The heels of happiness.  
And often when a solemn woe  
Of grief my heart intoned,  
And often when my spirit writhed  
And all my nature groaned,  
There stole refrain that softened pain,  
Not phrased by mortal tongue,  
But born of memories old and sweet—  
The songs my mother sung.  
When she took me in her arms  
And gently stroked my hair,  
And bore me with her down to sleep  
In that old bye-bye chair.

I wish to read a beautiful tribute to woman by a distinguished Georgian, a great orator and a great poet, Lucien Lamar Knight:

Woman, to thy tender keeping God has given this command:  
Rear the childhood of the Nation, nurse the young hope of the land,  
Teach the principles of virtue, lift the manly brow of youth  
Till it scorns each baser triumph for the laurels of the truth.  
Never leave thy little kingdom; never sacrifice its crown;  
Though your realm be but a cottage, keep it ever, 'tis thine own.  
Let no trespasser invade it; from its door let hate be hurled,  
For the teachings of the fireside rule the forums of the world.

'Tis thy mission to be gentle, meek in spirit, undefiled,  
For the Nation's growth is rooted in the nurture of the child.  
Fountain spring of all our greatness, back of yonder beeting dome  
Lies America's true secret, in her poet's "Home, Sweet Home."

She who rocks a Nation's cradle, with a mother's holy hand,  
Writes its statutes, rears its armies, peals its thunders of command.  
She who whispers "Now I lay me" to the childhood at her knee,  
Reigns the queen of the Republic, guards the court of liberty.

Mr. President, we honor ourselves when we honor the mothers of America. Let the President have our country's flag fly on every public building in Washington and throughout the country next Sunday and request the people in every State to unfurl it and fly it on their houses in honor of the bravest army that ever fought in all the tide of time—the mothers of America.

Mr. President, for the last two or three years this custom has not been observed at the Capital. Most of the Government officials seem to have forgotten it. On day before yesterday I wrote a letter to the President suggesting that he issue a new proclamation, and do it each year, prior to the second Sunday in May, calling upon the people of the country to observe this very happy custom.

#### LONG AND SHORT HAUL CLAUSE OF INTERSTATE COMMERCE ACT

Mr. HAYDEN. Mr. President, I ask that the clerk may read a telegram which I have just received relative to the pending hearings before the Interstate Commerce Commission on the long and short haul clause of the interstate commerce act.

The PRESIDENT pro tempore. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

PHOENIX, ARIZ., May 10, 1929.

Senator CARL HAYDEN,  
Washington, D. C.:

At Southern Pacific sunset gulf route fourth section applications hearing before Interstate Commerce Commission in Phoenix to-day, proposing drastic reductions in transcontinental rates between California ports and New York and Baltimore without reductions at intermediate points, chief witness for applicant proposed that Interstate Commerce Commission authorize Southern Pacific Co. in the future to immediately adjust its rates at any time to meet overnight increases and reductions in rates made effective by intercoastal water line.

This is the most startling proposal ever advanced by any carrier. It not only constitutes grave menace to intermountain interests but, if successful, can have no other result than destruction of intercoastal traffic through Panama Canal, nullification section 500, transportation act, and defeat of every effort made by Congress in recent years to effectively amend fourth section dealing with water competition. These hearings continue at Los Angeles, Galveston, and New York City at enormous expense to intermountain interests. At meeting of Intermediate Rate Association to-day and in view of foregoing it was unanimously resolved to respectfully urge you to press for consideration and passage Hayden-Pittman-Taylor bills now in Senate and House contemplating amendment fourth section of the interstate commerce act.

#### INTERMEDIATE RATE ASSOCIATION,

By ITS PRESIDENT AND QUORUM OF DIRECTORS.

(Also:) Arizona Corporation Commission; New Mexico Corporation Commission; Nevada Public Service Commission; Arizona Cattle Growers Association; Arizona Wool Growers Association; New Mexico Wool Growers Association; New Mexico Cattle and Horse Growers Association; Reno Chamber of Commerce; Utah Shippers Traffic Association; Utah Manufacturers Association; Utah Cannery Association; Lordsburg, Deming, Silver City, and Roswell Chambers of Commerce; Salt River Valley Traffic Association.

The PRESIDENT pro tempore. The telegram will be referred to the Committee on Interstate Commerce.

Mr. HAYDEN. I ask that there may be printed in the RECORD in connection with the telegram just read certain editorials from the Arizona Republican, the Phoenix Evening Gazette, and the Mining Journal.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorials are as follows:

[From the Arizona Republican, May 1, 1929]

#### IN THIS MEASURE ALONE IS SAFETY

The bill which Senator HAYDEN introduced on April 22 would amend the interstate commerce act by removing from the Interstate Commerce Commission the discretion to authorize the violation of the fourth section of the act which prohibits the fixing of a rate lower for a long haul than a shorter one over the same line in the same direction.

The similar Gooding bill met with so much favor in the Sixty-eighth Congress that it was passed by the Senate and was believed to have the

support of a majority sentiment in the House. But near the end of the short session of that Congress, a hostile committee prevented it from coming to a vote. It was bitterly opposed by the transcontinental railroads which eight years ago, and even now, are asking for fourth-section relief. Their applications have been opposed mainly by the intermediate territory of which Arizona forms a part and by those who are desirous of the continued use of the Panama Canal.

In the earlier days of the interstate commerce act applications for fourth-section relief were frequently granted by the commission, usually for the adjustment of rates of rival railroads between the same terminals, the relief being afforded to the road over the more circuitous and longer route.

But previous to the World War this relief was in effect on the transcontinental lines. But with the war, whatever water competition the canal line had offered disappeared and that relief was withdrawn, so that the intermediate territory enjoyed the same, but no lower, rates on westbound commodities, than were granted to Pacific terminals.

The Interstate Commerce Commission for the last eight years has steadfastly refused to grant the applications of the railways for a restoration of the relief, and we suppose it will still refuse in the pending case which will come up for a hearing here on May 8. But until such amendment to the interstate commerce act is made as it proposed in the Hayden bill, the intermediate territory and the Panama Canal will be subjected to these periodical attacks by the railroads against which defense must be made at great expense.

As we have frequently pointed out, the protection which section 4 of the interstate commerce act affords us is essential to the continued prosperity of the intermediate region. It has been that protection under which Arizona has so marvelously prospered and has become the location of new and expanding industry in the last 10 years. We can not be assured of permanent protection as long as it is within the power of the commission to withdraw it.

[From the Phoenix Evening Gazette, March 7, 1929]

#### MORE ABOUT CANAL AND RAIL RATES

Efforts of railroads to discriminate against inland points in the matter of rates, and their constant attempts to use rates by water from coast to coast, through the Panama Canal, as their excuse for inland discriminations, have aroused Members of Congress from Arizona and other States of the Rocky Mountain region to a point of determination that promises to have a distinct influence upon what is nothing less than an alarming situation.

Recently the Senate was debating the joint resolution providing for an expenditure of \$150,000 to bring down to date the engineering information originally compiled by the Isthmian Canal Commission in 1901 relative to construction of a Nicaraguan canal. Senator CARL HAYDEN, of Arizona, took advantage of the opportunity to set forth this State's attitude toward railroads that use water rates as an excuse for trying to discriminate against inland points. He said, in part:

"The Panama Canal tolls should not be lowered. The intercoastal steamship lines operating through the Panama Canal are not to any great degree competing with the transcontinental railroads of the United States, but the traffic through the canal is being used merely as an excuse by the railroads for making applications to the Interstate Commerce Commission for the privilege of carrying freight from one coast to another at a less rate than the railroads are willing to carry the same freight to intermediate points. I want to give notice here and now on behalf of all the Senators and Congressmen who represent the great interior regions of the United States affected by the long-and-short-haul issue which so frequently comes before the Interstate Commerce Commission, that if another canal is to be constructed through Nicaragua we intend to see to it that the second canal shall not be used as an excuse for further violations of the fourth section of the interstate commerce act which prohibits charging more for a long haul than a short haul in the same direction over the same railroad line.

"In any event I have been an advocate for many years of a rigid long-and-short-haul section as a part of the act to regulate commerce. The practice of charging more for a short than for a long haul results in wasteful transportation, especially where the competition which is met by such a rate is between railroads, for if commodities are hauled over the long line when they could just as well move over the short line it can mean nothing else than wasteful transportation and the lowering of the revenue of any particular group in which the various railroads may be located. The railroads should not be permitted to violate the fourth section to meet water competition or any other form of competition.

"The transcontinental railroad companies should not continually appear before the Interstate Commerce Commission seeking the privilege of making a low rate through to the Pacific coast, lower than they are willing to stop off freight in the intermediate regions, and allege the Panama Canal as an excuse for so doing. Anyone engaged in business in the intermountain country at the present time has no assurance that any day some transcontinental railroad company which carries his freight may not file an application before the Interstate Commerce Commission to be permitted to change a rate situation which will utterly ruin his

business. This sword of Damocles perennially hangs over his head. We want to make business conditions certain. We ask for the enactment by Congress of legislation that will absolutely prohibit any railroad company from using the Panama Canal, in particular, as an excuse for granting a lower through rate than to the intermediate territory. If that is done, business will prosper along the entire lines of these railroads, and in the end they will gain more business and make more profit than would be possible if they follow the foolish and the unwise course, as we believe, of asking the privilege of carrying commodities through to the Pacific coast at cost or less than cost, and then seek to recoup themselves by overcharging those who live in the areas between."

[From the Mining Journal, Phoenix, Ariz., April 30, 1929]

#### UP IT BOBS AGAIN

Eternal vigilance seems to be very necessary when business is concerned with railroads and their rates. The Southern Pacific is again trying to obtain authorization for a new rate schedule to the Pacific coast, so as to compete with the water route through the Panama Canal, but nowhere in the application can we find a willingness to adjust freight rates proportionately to intermediate points that are on the road and through which the freight trains must pass.

It is the same old game—cut the rates down to a point where they are without any profit where there is competition, and let the fellow who is in the territory served without competition pay the bill. The whole intermountain section, and particularly the mining industry, is interested in this move, as a successful application by the Southern Pacific would undoubtedly mean similar applications by all roads leading to the coast, because they could not afford to permit the advantage which would be given the Southern Pacific.

No advantage accrues to the Pacific coast section, for this already has the low rates for boat haul, and there is no proposal to get any lower rates, but merely to let the Southern Pacific in for a part of the business; but every city east of the Pacific coast ports will see the railroads hauling a greater distance for less money to others than they do to them—discrimination if the application is granted.

Under the Interstate Commerce Commission and the State corporation commission policies we can not get more railroads, so there will be no more competition throughout the intermountain West than now exists. This section would have to make up such loss as might be sustained by the intensive competition of coast terminal points, and continue indefinitely to do so, but with no more advantage to the coast points than they now have.

The Arizona Republican of April 20, 1929, in an editorial entitled "Proposed Draining of Lifeblood of the Intermediate Territory," explains the situation, as well as showing up some of the trivial "bunk" and "soft soap" in the Southern Pacific propaganda program. This editorial follows:

"There has been circulated here and elsewhere in the intermediate territory a pamphlet containing for popular and uninformed consumption arguments in support of an application by the Southern Pacific for fourth-section relief, which will be the subject of a hearing before an Interstate Commerce Commission examiner, beginning here on May 8. This is a matter with which we of the intermountain country have become so familiar in the last eight or nine years in successfully opposing similar applications that a further extended discussion of it seems unnecessary.

"The object of the present application is, in short, to secure rates on a large number of commodities from Atlantic ports to Pacific coast terminals, lower than the rates from the eastern ports to points in intermediate territory. In previous applications all the transcontinental lines were joined. In this case the Southern Pacific stands alone, endeavoring to secure these lower rates over its ocean route from the Atlantic to Galveston, thence over the rail route to the Pacific terminals. This would, no doubt, be the opening wedge to similar relief applications by all transcontinental lines. Then, if granted, the intermediate territory would be reduced to the condition of economic servitude from which the World War relieved it by dispelling the myth of water competition.

"The pretext on which the application is based is again water competition. The company desires to put in these lower through rates to secure a part of the traffic now carried through the Panama Canal. It is now proposed to lower the rates from the East to intermountain points. The road contends that they are already so low that a further reduction would be impossible without loss. Where, then, is to be the profit in carrying goods a thousand miles farther at a lower rate? What does the road want with this unprofitable traffic after which it is reaching?

"In a recent interview a representative of the applicant said: 'No change is proposed on existing rates at intermediate points, except where such rates may be reduced by adding to the proposed rates at the ports (Pacific ports), the local rates to and from the ports.'

"What this means is the reestablishment of the absurd and iniquitous 'back haul.' That is, if those quoted words mean anything, they mean that a merchant bringing goods to intermountain points would

have to pay the rate from the point of shipment in the East to Los Angeles, to which would be added the local rate back. And we are not reassured that the expression 'to and from the ports' does not mean that the merchant would not also be charged with the local rate to the coast. The 'reduced' rate to intermediate points would result only from the utterly impossible contingency that the through rate to the coast might sometime be so low that the local rate added to it would make a rate less than the present intermediate rate.

"But we of the intermediate territory are less concerned with high rates and low rates than we are with discriminatory rates. Generally, the rate itself as to any point would be of comparatively little concern, but the comparative rates are of great concern. A lower rate from the East to Pacific coast terminals than to points in the intermountain region would transform the intermediate territory into a commercial desert. The area of an intermountain wholesale house would not extend to the municipal boundaries.

"We shall discuss this matter of the back haul later. We have space for the consideration of the only other argument set out in the company's statement. It is an offer of an unseasoned mess of pottage to Arizona and New Mexico. We are told that if this scheme can be put through, a vast volume of traffic now carried by water will be brought by rail through, now, mind you, 'through,' and not into Arizona and New Mexico. We shall have the advantage of this transportation over a stretch of 570 miles. The passage of these through trains will spread a glow of prosperity over these two States. It is added 'the transportation charges paid on this traffic by shippers and consignees will be largely disbursed for labor and materials used in the transportation, and a substantial portion of this amount will be spent in Arizona and New Mexico.'

"Perhaps if the increase should be as great as the company hopes, some extra trainmen would be required to handle the traffic; thus, to that extent reducing local unemployment, for which we would surrender the entire jobbing and much of the manufacturing business of this region."

#### PETITIONS AND MEMORIALS

Mr. DENEEN presented resolutions adopted at a mass meeting (comprising approximately 3,000 people and representing about 100 different societies with a membership of 200,000) at Orchestra Hall, Chicago, Ill., favoring the repeal of the national-origins clause of the existing immigration law and a return to the previous immigration policy based on the census of 1890, etc., which were referred to the Committee on Immigration.

He also presented resolutions adopted by sundry citizens of Chicago, Cook County, and the State of Illinois, who served in the armed forces of the United States during the World War, favoring the prompt making of appropriations to provide ample hospital facilities, medical care, and treatment for incapacitated ex-service men and women, which were referred to the Committee on Finance.

He also presented resolutions adopted by the City Council of Chicago, Ill., indorsing the appointment of a commission for the study of crime and law enforcement in the United States, and favoring investigation by the proposed commission of "the nonenforcement of the fourteenth and fifteenth amendments to the Constitution, including the nullification of said amendments, at the same time the eighteenth amendment is under consideration," etc., which were referred to the Committee on the Judiciary.

Mr. SHORTRIDGE presented communications and telegrams in the nature of petitions from the German-American League; Oscar Lodge II, International Order of Good Templars; Central Committee of Southern California; the Swedish-American National League of Southern California; Thule Lodge, No. 467, Order of Vasa; Logen Nordstjernan, No. 106, North Star Lodge, Vasa Order of America; the board of directors of the Lutheran Hospital Society; the Swedish Baptist Church; John Ericsson Republican League of California; Swedish Evangelical Mission Covenant Churches of California; the Swedish-American National League of Southern California; the California Conference of Lutheran Augustana Synod; the Swedish Club; and the Swedish Methodist Episcopal Church, all of Los Angeles; Golden Gate District Lodge, No. 12, Order of Vasa, the Swedish Society; and Bien, Danish weekly, of San Francisco; the Grand Lodge, Danish Society Dania of California, of San Rafael; the Swedish-American Republican Club; the Swedish-American Patriotic League, Branch No. 1, and Swedish Society, Branch No. 1, of Oakland; the Church Council of the Immanuel Lutheran Church, of San Jose; the California Conference of the Lutheran Augustana Synod of America, at Turlock; Steuben Society of America, San Diego Unit, No. 112, and San Diego Lodge, No. 22, Sons of Hermann, of San Diego; the Swedish Evangelical Tabernacle, of Pasadena; and Logen Aftonstjernan, No. 426, Vasa Order of America, of Long Beach, all in the State of California, praying for the repeal of the

national-origins provision of the existing immigration law and the retention of immigration quotas based on 2 per cent of the 1890 census, which were referred to the Committee on Immigration.

Mr. WALSH of Massachusetts. I present for printing in the RECORD a telegram from the New England Cranberry Sales Co., A. D. Benson, manager, of Middleboro, Mass., and one from Daniel S. Fiske, dated at Worcester, Mass.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

MIDDLEBORO, MASS., May 6, 1929.

Senator DAVID I. WALSH:

Our organization, composed of 300 cranberry growers, opposed to fruits being exempted from farm relief bill. Understand proposed board will have no mandatory powers to compel growers work under them without their desire. We think fruit growers should be given equal treatment with grain growers and believe they might work advantageously with the board and should have equal rights.

NEW ENGLAND CRANBERRY SALES Co.,  
A. D. BENSON, Manager.

WORCESTER, MASS., May 1, 1929.

Senator DAVID I. WALSH,

Washington, D. C.:

I can not believe present proposed farm relief bill will in any way help New England farmers and very much doubt it helping any farmers anywhere. I do know it is proposed to take \$500,000,000 out of taxpayers, and to expend this amount on indefinite hazy experiment would seem to me all out of reason, and as one of the largest fruit growers in Massachusetts and being familiar with most of the New England farm troubles I hope this bill will not pass.

DANIEL S. FISKE, Grafton, Mass.

Mr. SWANSON. I present a telegram from T. B. Byrd, of Winchester, Va., and a letter from Ben T. Gunter, of Accomac, Va., relative to the pending question before the Senate, which I ask may be printed in the RECORD.

There being no objection, the telegram and letter were ordered to lie on the table and to be printed in the RECORD, as follows:

WINCHESTER, VA., April 30, 1929.

Senator CLAUDE A. SWANSON:

Regarding Senate bill 1, there is some little discussion in the apple industry concerning the surplus-control feature. This is included in subsection (b) of section 6 of the bill. Speaking as president of the Virginia Horticultural Society, I think that apples and peaches should be excluded from the surplus-control feature. I see no objections to the other provisions of the bill and am of the opinion that apples and peaches should remain in the bill except for the purposes of surplus control.

T. B. BYRD.

ACCOMAC, VA., April 29, 1929.

Hon. CLAUDE A. SWANSON,

United States Senate, Washington, D. C.

DEAR SENATOR: I was in Washington last Monday and called at your office, but you were out at the time and I did not have an opportunity to call a second time.

I wanted to talk with you briefly with reference to Senate bill No. 1, having for its object the establishment of a Federal farm board, etc. Up to that time I had not seen the Senate bill. I had seen the House bill and it seemed to provide only for marketing operations and made no provision for the cooperative purchasing of supplies and equipment for the members of the cooperative purchasing association. It was this provision that I was interested in and wanted to discuss with you.

While in Washington I secured a copy of the bill, and after reading the same on my return home I found that the Senate bill, on page 14, took care of the proposition which I was interested in and which I desired to discuss with you. I am informed by Mr. BLAND that an effort was made in the House to secure an amendment to the House bill providing for cooperative purchasing of agricultural supplies and equipment, which failed.

This is a matter of some interest to the Eastern Shore of Virginia Produce Exchange, because it looks very much as if in the future we will have to make some arrangement for furnishing supplies to the farmers. It takes a great deal of money to run our marketing enterprise, and if we were to enter on cooperative purchasing it would be very difficult for us to secure the necessary money under ordinary circumstances. We hope that whatever legislation is enacted will provide for cooperative purchasing as well as cooperative marketing. This possibility would enable us to secure from the farm board aid for such a purpose as we are now considering embarking on.

If you can see your way clear to support this provision of the bill, it will be appreciated by us. We understand that there is a strong senti-

ment in the House in favor of some such relief, though it did not have sufficient strength, it seems, to carry the amendment.

Very truly yours,

BEN T. GUNTER.

Mr. TYDINGS. I ask unanimous consent to have inserted in the RECORD two telegrams opposing the inclusion of fruits in the farm relief bill. These two telegrams are from two of the very largest fruit growers in the State of Maryland. One of them, I believe, is the largest in the entire State.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

BERLIN, MD., May 10, 1929.

United States Senator MILLARD TYDINGS,

United States Senate, Washington, D. C.:

Being large growers with heavy investments in commercial peach and apple orchards, also shippers of peaches and apples to domestic markets as well as exporters of peaches and apples to Canada and exporters of apples to England, Brazil, and Germany, we would appreciate it if you would support Jones amendment to remove apples, peaches, and pears from stabilization section of Senate farm relief bill.

HARRISON'S NURSERIES,  
By G. HALE HARRISON.

HAYRE DE GRACE, MD., May 9, 1929.

The Hon. M. E. TYDINGS,

United States Senate:

Fruits and vegetables should certainly not be included in farm relief bill. Will send fuller statement if desired.

C. E. BRYAN.

#### REPORT OF THE MILITARY AFFAIRS COMMITTEE

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 174) to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in the State of Florida, reported it with amendments and submitted a report (No. 10) thereon.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARAWAY:

A bill (S. 1048) granting a pension to Celia Chapelle;  
A bill (S. 1049) granting a pension to Sarah S. Bruce;  
A bill (S. 1050) granting a pension to Ernest J. Hollis;  
A bill (S. 1051) granting a pension to Guy McLean; and  
A bill (S. 1052) granting a pension to Malinda C. Davis; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 1053) granting an increase of pension to Mary J. Moran (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 1054) granting a pension to Ella Lincoln (with accompanying papers); and  
A bill (S. 1055) granting a pension to Emma J. Gross (with accompanying papers); to the Committee on Pensions.

By Mr. STEPHENS:

A bill (S. 1056) to amend the immigration act of 1924, as amended, with regard to the issuance of immigration visas, and for other purposes; to the Committee on Immigration.

By Mr. KING:

A bill (S. 1057) relative to forest reservations in the State of Utah; to the Committee on Public Lands and Surveys.

By Mr. PHIPPS:

A bill (S. 1058) granting the consent of Congress to compacts or agreements between the States of Colorado, Wyoming, New Mexico, and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers, and all other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

By Mr. THOMAS of Oklahoma:

A bill (S. 1059) for the relief of David E. Jones; to the Committee on Claims.

A bill (S. 1060) granting a pension to William A. Flowers (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 1061) granting a pension to the survivors of the Jeanette relief expedition; to the Committee on Pensions.

A bill (S. 1062) for the relief of Thomas H. Duggan;

A bill (S. 1063) for the relief of Charles B. De Crevecoeur;

A bill (S. 1064) for the relief of George Deck;

A bill (S. 1065) for the relief of James Covington;

A bill (S. 1066) to correct the military record of James William Cole; and

A bill (S. 1067) to authorize the appointment of Capt. M. M. Cloud, retired, to the grade of major, retired, in the United States Army; to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 1068) to amend paragraph (11) of section 20 of the interstate commerce act, as amended; to the Committee on Interstate Commerce.

By Mr. NORBECK:

A bill (S. 1069) for the purchase of a site and the erection of a public building thereon at Milbank, S. Dak.; to the Committee on Public Buildings and Grounds.

A bill (S. 1070) to amend section 9 of the Federal reserve act, as amended, to permit State member banks of the Federal reserve system to establish and operate branches in foreign countries and dependencies, and insular possessions of the United States; to the Committee on Banking and Currency.

By Mr. BINGHAM:

A joint resolution (S. J. Res. 36) to amend Public Resolution 89, Seventieth Congress, second session, approved February 20, 1929, entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes"; to the Committee on Territories and Insular Possessions.

#### AMENDMENTS TO FARM RELIEF BILL

Mr. WALCOTT and Mr. NYE each submitted an amendment intended to be proposed by them, respectively, to Senate bill 1, the farm relief bill, which were ordered to lie on the table and to be printed.

#### SALE OF MORTGAGE BONDS BY DISTRICT OF COLUMBIA COMPANIES

Mr. BROOKHART. I offer a resolution for the investigation of these wildcat bond companies here in the District of Columbia that are selling their bonds throughout the United States and fraudulently using the mails for that purpose, especially the F. H. Smith Co. of this city.

The PRESIDENT pro tempore. The resolution will be received, printed, and referred to the Committee on the District of Columbia.

Mr. BROOKHART. It should go to the Committee on the Judiciary. It relates to the whole country, not to the District of Columbia.

The PRESIDENT pro tempore. In accordance with the desire of the author of the resolution, it will be referred to the Committee on the Judiciary.

The resolution (S. Res. 58) was referred to the Committee on the Judiciary, as follows:

Whereas many millions of dollars of real-estate mortgage notes and bonds have been sold throughout the United States for a period of many years by real-estate and finance operators in the District of Columbia through the medium of alluring advertisements in magazines and newspapers for which many hundreds of thousands of dollars have been expended; and

Whereas by reason of the fact that the city of Washington is the Capital of the Nation it is of the most vital interest to all sections of the country to know whether or not the sales of real-estate bonds and mortgage notes by real-estate and finance operators in the city of Washington are honest and conservative and free from fraud and misrepresentations; and

Whereas it has been alleged that the Commonwealth Finance Corporation, of the city and State of New York, with many thousands of stockholders has been defrauded of more than \$5,000,000 of its assets by reason of fraudulent misrepresentations as to real-estate values in the District of Columbia; and

Whereas it has been alleged that some of the real-estate and finance operators in the District of Columbia, and particularly the F. H. Smith Co. and its subsidiaries, have been debarred from selling bonds sponsored by them in the States of Pennsylvania and Ohio, and that the said F. H. Smith Co. has been denied membership in the Real Estate Board of the District of Columbia because of alleged irregular practices, consisting of pyramiding of values for the purpose of securing excessive loans, of having irregular and excessive appraisals made by favored and partial agents, and of publishing or causing to be published advertisements intended to deceive the public as to the real value of the properties securing said mortgage notes or bonds; and

Whereas it has been alleged that many of the bonds sold through the mails by virtue of newspaper and magazine advertisements by said F. H. Smith Co., and/or its subsidiaries, are not first-mortgage bonds, as claimed in said advertisements, but are merely so-called first and refunding mortgage bonds; and

Whereas it is alleged that in many cases where such first and refunding mortgage bonds have been issued the preexisting first-mortgage

remains an outstanding liability to the full extent of said original issue, and that the purchasers of the said so-called first and refunding mortgage bonds have bought said bonds believing that they were first-mortgage bonds on real estate; and

Whereas it is alleged that in many cases the said F. H. Smith Co. and its subsidiaries, including certain banks controlled by the officers of the F. H. Smith Co., have not only sold so-called first-mortgage bonds and first and refunding mortgage bonds, but also general mortgage bonds on various apartment houses in the cities of Washington, Pittsburgh, Buffalo, and Philadelphia under such circumstances as have led the purchasers to believe that such bonds were first-mortgage or first-lien bonds, when in fact they were second or third liens on said properties; and

Whereas it has been alleged that prominent political and financial personages have been employed or retained by various real estate and finance corporations of the District of Columbia, with the result that it has been possible for the said corporations to escape the payment of legitimate income and profit taxes upon the excessive and extortionate profits received from the sale of real estate and real-estate notes and bonds in the District of Columbia by virtue of advertisements through the United States mails; and

Whereas it has been alleged that many thousands of persons in the United States, including men, women, and children and trust estates, now hold so-called first and refunding mortgage bonds upon various apartment houses in different parts of the country which have been advertised and sold by the said real estate and finance corporations in the District of Columbia as first-mortgage or first-lien bonds, when in fact there were outstanding at the time of such sales preexisting liens on the said properties in large amounts, the existence of which was unknown to the purchasers of said first and refunding mortgage bonds; and

Whereas it is essential, in the interests of the purchasers of the said bonds and of the public, that the truth be made known with respect to the said transactions: Therefore be it

*Resolved*, That the Committee on the Judiciary of the Senate, or a duly authorized subcommittee thereof, is hereby authorized and directed to make a full and complete investigation of the activities of the real estate and finance corporations of the District of Columbia with respect to the sale of mortgage bonds, first and refunding mortgage bonds, and general mortgage bonds upon properties in the District of Columbia and elsewhere, and to report to the Senate as soon as practicable the result of its investigations, together with its recommendations, if any, for necessary legislation. For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-first and succeeding Congresses until the final report is submitted, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of the committee, which shall not exceed \$—, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

#### RECESS FROM FRIDAY UNTIL MONDAY

Mr. WATSON. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until Monday at 12 o'clock.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### RELIEF OF FARMERS IN STORM-STRICKEN AREAS

Mr. McNARY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 59) to extend the provisions of Public Resolution No. 92, Seventieth Congress, approved February 25, 1929, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said Senate amendment insert the following:

"That the provisions of the public resolution entitled 'Joint resolution for the relief of farmers in the storm and flood stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama,' approved February 25, 1929, and any appropriation made thereunder, are hereby made applicable to any storm or flood occurring in any such area subsequently to the date of the enactment of such public resolution of February 25, 1929, and prior to the date of the enactment of this joint resolution: *Provided*, That the Secretary of Agricul-

ture, in his discretion, may make loans and advances to vegetable and fruit growers for the fall and winter crop of 1929-30 to an amount not exceeding \$25 per acre."

And the Senate agree to the same.

CHAS. L. McNARY,  
ARTHUR CAPPER,  
JOS. E. RANSDELL,  
*Managers on the part of the Senate.*

LOUIS C. CRAMTON,  
JOSEPH W. BYRNS,  
*Managers on the part of the House.*

The Senate proceeded to consider the report.

Mr. HEFLIN. Mr. President, I should like to ask the Senator from Oregon if there was left in the joint resolution the increased amount proposed by the Senator from Georgia [Mr. GEORGE]?

Mr. McNARY. That was disagreed to. The amount that could be advanced for the purposes of seed purchase by the fruit growers of Florida was increased from \$3 to \$25 an acre. The House conferees agreed to that amendment. They disagreed to the inclusion of the storm-stricken area of Mississippi, Louisiana, and Arkansas, and to the \$1,000,000 additional sum.

Mr. HEFLIN. They struck out the \$1,000,000?

Mr. McNARY. Yes.

Mr. HEFLIN. I think it ought to have remained in the joint resolution.

The report was agreed to.

#### FARM RELIEF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1) to establish a Federal farm board to aid in the orderly marketing, and in the control and disposition of the surplus, of agricultural commodities in interstate and foreign commerce.

Mr. McNARY. Mr. President, I propose a unanimous-consent agreement, which I ask to have stated.

The PRESIDENT pro tempore. The proposed agreement will be read.

The Chief Clerk read as follows:

*Ordered, by unanimous consent, That on and after the hour of 3 o'clock p. m. on the calendar day of Monday, May 13, 1929, no Senator may speak more than once or longer than 10 minutes upon the pending farm relief bill (S. 1), or any amendment proposed thereto.*

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement proposed by the Senator from Oregon? The Chair hears none, and the unanimous-consent agreement is entered into.

Mr. HEFLIN obtained the floor.

Mr. LA FOLLETTE. Mr. President, I merely wish to ask the Senator from Oregon a question concerning the proposed agreement.

Mr. McNARY. I shall be very glad to answer the question.

Mr. HEFLIN. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I desire to ask the Senator whether or not it is the intention to have the pending amendments disposed of to-day, prior to the recess which has just been agreed to?

Mr. McNARY. Yes; that is my purpose, Mr. President—to fill up to-day as far as possible, and particularly to dispose of the pending amendment, offered by the Senator from New York [Mr. COPELAND].

Mr. LA FOLLETTE. May I ask the Senator a further question? With the disposition of the amendment of the Senator from New York, will that dispose of the more important perfecting amendments?

Mr. McNARY. That is my judgment from those that have been offered and filed with the clerk. I do not know what other Senators may have in their possession in the way of amendments that have not yet been printed.

Mr. LA FOLLETTE. My only reason for asking the question was that it seemed to me if there were any important amendments which might be proposed on Monday the limitation of debate would be too stringent; but if the major amendments will be disposed of before 3 o'clock on Monday, I have no objection to the agreement.

Mr. McNARY. It is my judgment that they will be, and that 10 minutes will afford ample opportunity for the discussion of those yet remaining.

Mr. SHORTRIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from California?

Mr. HEFLIN. I do.

Mr. SHORTRIDGE. I desire to make an inquiry of the chairman of the committee. I did not catch the reading of the

unanimous-consent agreement. It does not preclude or prevent the tendering of amendments after the hour of 3 o'clock, does it?

Mr. McNARY. Oh, no; it is a limitation of debate, after 3 o'clock on Monday, to 10 minutes on the bill and amendments which may be offered, and pending amendments.

Mr. ROBINSON of Arkansas. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. I do.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McNARY. May I ask the decision of the Chair on the request for unanimous consent?

The PRESIDENT pro tempore. The Chair did not understand that the Senator from Wisconsin objected to the unanimous-consent agreement, and therefore the unanimous-consent agreement has been entered into.

Mr. ROBINSON of Arkansas. That was the statement that I desired to make.

Mr. HEFLIN. Mr. President, we are going to have the day before us. I hope we will not adjourn early to-day, because this farm relief measure ought to be passed as speedily as possible, and we certainly ought to put in this day on it.

Mr. ROBINSON of Arkansas. Mr. President, may I say to the Senator from Alabama that it would be impossible to take a vote on the passage of the bill to-day. A number of Senators are already absent; and after discussion of the matter with the Senator from Indiana [Mr. WATSON] and the Senator from Oregon [Mr. McNARY] I think it will conserve the convenience of Senators not to attempt a final vote to-day, or prior to Monday.

Mr. HEFLIN. I was not pressing for a final vote to-day, but I was hoping we could discuss some of these amendments to-day and vote on them.

Mr. ROBINSON of Arkansas. Oh, yes; all amendments that are presented may be disposed of, unless some occasion for delay arises.

Mr. HEFLIN. That is the point I was making.

Mr. TRAMMELL. Mr. President, I rise to oppose the amendment which has been offered by the Senator from New York [Mr. COPELAND] which seeks to eliminate from the provisions of the pending bill producers of fruits and vegetables. If this particular feature of the measure is to be removed, the people of my State who are engaged in agricultural pursuits will be in large numbers robbed of any benefits under the pending measure.

In Florida, of course, we are very much pleased that the northern part of the State, which produces cotton and tobacco to a certain extent, will still have the benefits of the bill; but the greater part of the agricultural industry in Florida is comprised of producers of fruits and of vegetables. I estimate that about \$125,000,000 worth of vegetables and fruits are marketed from the State of Florida per annum. This great industry, under the amendment of the Senator from New York, would be deprived of any benefits under the bill, except that they would have the privilege of calling upon the Government to assist them in organizing a clearing-house association.

That is the only benefit that would be left to this great class of producers in the State of Florida; and what is true of the State of Florida is true of many of the other States. The producers of vegetables and of fruits certainly constitute an important and extensive part of the farming interests of this country, and I am unable to see how it is proper that they should be deprived of the privileges or benefits which are offered under the measure.

In reading over the bill I find that the vegetable and fruit growers would receive some substantial benefit. I find on page 14 of the bill that it is proposed that the Government shall assist in furnishing marketing facilities, facilities for preparing and handling the crops, and providing warehouses for handling the commodities, and will make advances to cooperatives for that purpose. I have had hopes that the people in my State might have the privilege of taking advantage of that, and yet the Senator from New York, under his amendment, would deprive them of that privilege.

On page 15 of the bill I find that it is proposed that advances may be made to cooperatives for purchasing supplies. In discussing this feature of the measure with the author of the bill, the Senator from Oregon [Mr. McNARY], I was informed by him that that would include fertilizers, and would include farm equipment. I had hoped that the people of Florida engaged in fruit and vegetable production would also have the privilege of enjoying that provision of the measure. Yet the amendment which we are now considering would deprive them absolutely of the benefits of that provision.

On page 15 it is provided that advances might be made to cooperatives on commodities that are delivered to the cooperatives, advances not to exceed 85 per cent of their value. I am not sure that fruits and vegetables would be included within that provision. I am in hopes, however, that they would be. It seems to me only just and right that they should be; and if that provision is also extended to the producers of fruits and vegetables, it will be of very substantial aid to a large part of the farming population of the State of Florida.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from Florida yield to the Senator from New York?

Mr. TRAMMELL. Certainly.

Mr. COPELAND. I take it, from what the Senator has said, that his objection to my amendment goes particularly to paragraphs (c) and (d) of section 6; that those are the two particular things with which he finds fault. Apparently he desires them left in the bill.

I assume from what he has said that he would have no objection to the amendment if these privileges are not disturbed; that is, if the cooperatives in his State were permitted to borrow money to get their fruit ready for the terminal market and to have loans in order that those cooperatives might operate successfully, his objection would be largely removed. Am I right in that?

Mr. TRAMMELL. I do not know that that would remove the objection. To be frank with the Senator, I do not like the idea of taking a great class of our farmers out of the bill entirely. I can not understand why we should pass legislation favorable to the producers of staples, for instance, and eliminate the producers of vegetables and of fruits and of other characters of perishables. I can not understand that. Of course, the main thing I am seeking is to retain these benefits for the producers of Florida and other States similarly situated.

Mr. COPELAND. Mr. President, if the Senator will permit me, how are the fruits and vegetables of the Senator's State now marketed? What is the method of getting them to market? What financial plan is used?

Mr. TRAMMELL. They are marketed through a cooperative association known as the Florida Citrus Exchange, to an extent, and then we have a number of independent marketing agencies. One has been referred to here in the course of the debate, the American Fruit Growers. To quite an extent that handles Florida products of a perishable character, fruits and vegetables. During more prosperous times the exchange had a finance corporation connected with it, and that corporation would make advances to a fruit grower for the purchase of fertilizer and for the production of his crop. The loan was made in the nature of an advance upon the crop. Some of the independent companies—and I speak with knowledge with regard to the American Fruit Growers—also followed a similar policy to quite an extent. A fruit grower who was going to ship through the American Fruit Growers could get advances from that company on his crop.

Mr. COPELAND. What becomes of the crop ultimately? Is it then sent on to commission merchants in New York and elsewhere?

Mr. TRAMMELL. It is very largely sold on auction in New York and other cities throughout the country.

Mr. COPELAND. Then the crop ultimately gets into the hands of commission merchants and produce men in the centers, in the big cities, does it not?

Mr. TRAMMELL. Yes; it ultimately goes into the hands of the commission merchants and wholesale dealers.

Mr. COPELAND. Is not this true? Let us assume that the objections which have been categorically stated by the Senator are met, and that the cooperatives may have these loans he has mentioned, referred to on pages 14 and 15 of the bill. Does he not see that by having those concessions everything the Senator has in mind will be accomplished? My fear about the bill, as it is now, is this—and it is founded on the statements of these various commission concerns—that they will be put out of business if this bill is passed in an unmodified form. It is the fear of their financial backers that the Government will actually build all these storehouses and refrigeration plants, and set up all the intricate machinery—and no one knows how intricate it is better than the Senator from Florida, because he witnesses its operation every day in his home. The fear that that intricate machinery may be set up by the Government will make it impossible for these great concerns in New York, and Baltimore, and Philadelphia, and Boston, and Chicago to operate because of the sensitiveness of financial organizations and their unwillingness to lend money when they think they may be in competition with the Government.

I do not happen to have the figures on citrus fruits, but I know of the vast exports of apples. Let me ask, for the purpose of my argument, if there are large quantities of citrus fruits exported.

Mr. TRAMMELL. No; there are not any large quantities exported. We are trying to build up the foreign trade, and it is increasing, but there is no great quantity exported up to the present time.

Mr. COPELAND. The Senator is anxious to have that foreign trade built up, because the more demand there is for the product—world-wide demand—the better it is for the people of Florida. If the agencies in the cities are put out of business, if they can no longer receive the funds necessary to finance their operations, the producers of Florida will be destroyed, unless they can get enough from these Government funds actually to duplicate and replace the agencies which are now used and the machinery now used for the marketing of those products. That is the thing I have in mind, may I say to the Senator.

I am willing to concede, if the Senator will bear with me—am I taking too much of his time?

Mr. TRAMMELL. That is all right; go ahead.

Mr. COPELAND. I want to make this clear to the Senator, because I know of his interest, and his proper interest, in his constituents.

I am willing to concede these paragraphs (c) and (d) in order that the Government may, in the case of (c), make such allotments as are necessary to help in the carrying of those products to the terminal market, and, indeed, to supply loans to the value of 85 per cent of the crop. But may I say to the Senator, and appeal to him, if we go so far as to pass the bill as it is written, I am here to say, founding my statement upon the testimony of these men, that you will destroy the commission and produce houses, and, as I said yesterday, kill the goose that lays the golden egg. You can not hope to carry on the activities of those great industries of your State unless you have agencies in the city prepared to handle the fruits and vegetables after getting into their hands.

Mr. VANDENBERG. Mr. President, will the Senator yield to me to ask the Senator from New York a question?

Mr. TRAMMELL. I yield.

Mr. VANDENBERG. In the case of a commodity where an adequate marketing facility now exists—which is the Senator's hypothesis in the case of fruits and vegetables—do we not have to presuppose the use of utterly bad judgment on the part of the Federal farm board, if we assume that in the face of that situation they will fail to use the existing facilities and simply duplicate or destroy them; and if we assume bad judgment on the part of the Federal farm board, is not the entire legislation superlatively dangerous?

Mr. COPELAND. I will say, to answer the questions of the Senator, yes, we do have to presuppose bad judgment. If history repeats itself, we are sure to have that bad judgment. Furthermore, as the Senator has intimated by his question, I think it is bad all along the line. I do not think the bill as it comes to us from the House, to repeat for the third or fourth time what I have said, is worth \$30 a thousand. I do not think it is going to do a worth-while thing for agriculture.

If there is bad judgment on the part of the board, the evils we fear are sure to come; but it is not that alone; it is the psychology. The Senator knows how sensitive these financial agencies are. There is nobody so timid in the world as a banker. He is the most timid man on the face of the earth. He is scared to death most of the time, and perhaps properly so. He has a fiduciary relationship to the people who put money in the bank.

My argument is—and I am sure these men are not misstating the facts to me—that these produce and commission men can not get the money to go forward with their activities if there is the fear and possibility, no matter how remote, that the Government will exercise that bad judgment suggested by the Senator from Michigan.

That is what I have in mind, and I think it is of tremendous interest to the Senator from Florida.

Mr. TRAMMELL. Mr. President, of course I would not desire to put out of business any legitimate and fair marketing agency, any commission merchants, so called, but I think it is rather a good thing if we can have some legislation in the interest of the farmers and producers of this country which might have a tendency to exert a little psychological effect over them and cause them to give the agricultural interests of the country a little more of the returns from their products.

Let us take citrus fruits, for example. The producer ships a box of oranges from Florida to New York. The oranges sell in New York for \$4 per crate, as an illustration. The commission

merchant immediately turns around and sells that fruit for \$5 or \$6 per crate and makes not less than \$1 or \$2 for handling but one crate of oranges, when the producer of the fruit only receives about 75 cents or \$1 over and above the cost of production.

More often it is a case of this kind: A carload of oranges is shipped to Washington. The fruit sells in the market at Washington for \$3 a crate. It goes into the hands of the commission merchant and he sells it and makes at least \$1.50 or \$2 a crate. The farmer, after he has paid the expenses—packing charges and transportation and selling charges—will not receive more than 50 cents per crate. This is not the cost of production.

So I would not seriously object to reaching out to the extent at least of getting a little fairer deal from the commission merchants and wholesale dealers and producers than the farmers of my State are receiving at the present time. Of course, I would not want to put them out of business, and I appreciate the honest and fair dealing of many of the independent agencies. I do not think that is the wish of those engaged in the production of fruit either in my State or any other State. I think the Exchange of California has proven a wonderful cooperative organization. It has been in existence much longer than the exchange has been in existence in my State, but they have never discriminated against selling agencies to the extent that they would set up facilities and sales places and warehouses in New York for the handling of their own fruit, and I do not think anything of that character is anticipated by this bill. Yet, at the same time, I think the producers ought to be protected.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New York?

Mr. TRAMMELL. Certainly.

Mr. COPELAND. But may I say to the Senator that we have to assume that the bill means what it says and it does make provision for the building and equipment of the agencies under discussion. Whether the Government ever does, by bad judgment or otherwise, take such a step, please bear in mind that the possibility of it makes it impossible for existing agencies to be financed. In my judgment, the Senator would be doing his State, which is one of the notable States as regards these particular fruits and perishables, irreparable harm, because if the Government does not build those warehouses and supply the equipment, as the Senator suggests, it probably would not, and then the sales agencies in the great centers, because of the fear that the Government may do it, are put out of business. How is the Senator going to sell his products then? They will simply rot on the trees.

Mr. TRAMMELL. I do not believe that would occur. I think that is a very remote possibility.

Mr. McNARY. Mr. President, I was very much interested in the discussion of the Senator from Florida with the Senator from New York. The plan about which he speaks has reference to a probable or possible duplication of facilities for sale of the products. There is a possibility of it, but it is a question of judgment and experience and wisdom on the part of the board. I am willing to go that far with him, but in view of what the Senator has said I desire at this time to offer my third amendment, which I think will correct the situation.

The PRESIDENT pro tempore. The clerk will read the amendment submitted by the Senator from Oregon.

The legislative clerk read as follows:

On page 14, line 21, strike out "Such loans" and insert the following: "No such loan for the construction, purchase, or lease of such facilities shall be made unless the cooperative association or stabilization corporation demonstrates to the satisfaction of the board that there are not available suitable existing facilities that will furnish their services to the association or corporation at reasonable rates and no such loan for the construction of such facilities shall be made unless the cooperative association or stabilization corporation demonstrates to the satisfaction of the board that suitable facilities are not available for purchase or lease by the association or corporation at a reasonable price or rent. Loans."

Mr. COPELAND. Mr. President, will the Senator from Florida yield further to me?

Mr. TRAMMELL. Certainly.

Mr. COPELAND. The amendment just offered helps a little. I have no question about it. It improves the language tremendously. Of course, it leaves once more the possibility that the board may use their judgment. On evidence which is inconclusive in the minds of other people but may be sufficient and satisfactory to the board, they might proceed as I fear. But I must say to the Senator from Oregon that it does improve the bill tremendously, in my judgment.

Mr. TRAMMELL. I do not know whether it improves it or not. I desire to have time to read and consider the amendment.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from Florida yield to his colleague?

Mr. TRAMMELL. I yield.

Mr. FLETCHER. The best way we can judge about what may occur in the future is from what our experience has been in the past. We have, for instance, in Florida a cooperative association, the Florida Citrus Exchange, representing the growers. We have also a clearing house organized. Some time ago these gentlemen were here, and I registered some little comment on the fact that notwithstanding the establishment of the association, the growers in Florida were not realizing what they ought to realize from their fruits. There were so many deductions made after the fruit left the groves that they did not realize what they should. The thought occurred to me that they might improve the situation if they would establish their own selling agencies in the various markets of the country. I suggested that to them. They replied that they had found thus far it was advisable to use existing agencies and they were all using the agencies that have existed for years. They consider the overhead, the expense of rent and clerical hire, and other items in connection with establishing their own agencies, and have reached the conclusion that they had better proceed with existing agencies.

So I think the Senator from New York is anticipating dangers which are not likely to occur, because the actual operation now is that they are not establishing and neither does the California exchange establish separate selling agencies. They are utilizing existing agencies, and that it is likely they will continue to do under the Government operation. Of course, the board would have the power under the terms of the bill to create agencies of their own, but they are not likely to do it in view of what has happened in the past unless—and it seems to me the amendment would take care of that situation—it is found that the existing agencies can not be utilized successfully.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Utah?

Mr. TRAMMELL. I yield.

Mr. KING. I was interested in the observation just made by the senior Senator from Florida that the board of its own volition could create these stabilization organizations or corporations. Does the Senator think that the bill is susceptible of that construction, that where there is no demand, no interest in the matter, no appeals made by the producers of commodities in the United States, the board of its own initiative could organize the stabilization corporation?

Mr. FLETCHER. I was not referring to a stabilization corporation. The Senator from New York is afraid that the commission people, the sales agencies now existing, the auction and commission houses, might be put out of business, and I was mentioning the fact that although cooperative organizations and distributing agencies now exist among all growers they are not putting out of business the commission merchants and auction houses. They are utilizing those agencies, and I was pointing to the fact that the danger which the Senator from New York apprehended that the commission merchants would be put out of business probably was unreal. I was not referring to the stabilization proposition at all.

Mr. TRAMMELL. Mr. President, I am not sure that the amendment which was sent to the desk by the chairman of the committee covers the situation in a way that would be satisfactory to the fruit and vegetable growers of my State, but I shall not at this moment comment upon it, because I desire to read the amendment more carefully in connection with other paragraphs in the section which it seeks to amend.

I think it is very desirable in the interest of the farmers of the country to have provisions in the bill which would prevent the selling agencies and commission merchants from taking any advantage of them. I have no desire to interfere with the legitimate business of the marketing agencies. On the other hand, it is my desire that in enacting legislation we shall give protection to the fruit growers and the vegetable growers of the country. Therefore I have felt that in the interest of the people of my State the amendment proposed by the Senator from New York should not be adopted.

I think the vegetable and fruit growers are in a similar situation in many of the States throughout the United States. We desire to have the privilege of getting assistance in connection with the production of our crops. We desire to have the assistance of the Government in connection with the orderly marketing of our crops. We desire also to have the assistance of

the Government in providing facilities, more particularly warehouses and packing houses, which are very essential in the handling of extensive vegetable and fruit crops.

Mr. GOFF. Mr. President—

Mr. TRAMMELL. I yield to the Senator from West Virginia.

Mr. GOFF. I desire to ask the Senator if it is not his contention, to put it in a phrase, that the fruit growers of the country should have the most unrestricted freedom of contact in disposing of their crops?

Mr. TRAMMELL. Unrestricted right of contract?

Mr. GOFF. The most unrestricted freedom of contract in disposing of their crops?

Mr. TRAMMELL. I think they should have it; but if they desire to operate through cooperatives and handle it in that way, they would probably be better off in many instances. Of course, when they operate through cooperatives they will have some restrictions placed on them in regard to contracts. It resolves itself back to the question of organization. Capital is organized, labor is organized, and I think it would be highly beneficial to our farming class if they, too, had some intelligent organization and cooperation.

Mr. GOFF. Mr. President, I will say to the Senator that I was prompted to make the inquiry in view of his statement that he did not think the amendment proposed by the Senator from New York should be adopted. The amendment proposed by the Senator from New York, as I understand, would tend to restrict the freedom of contract in the disposition of products of a perishable character.

Mr. TRAMMELL. It would restrict them to the extent of not allowing them to come under the provisions of the bill; it would preclude them from that, of course, so that they would not have the freedom and right of asking for the benefits of the bill if they should think that it would be beneficial to them to come under its terms.

Mr. GOFF. So, as I understand the Senator, he is merely proposing to enlarge the marketing opportunities of the growers of fruit?

Mr. TRAMMELL. That is the idea; I desire to have them enlarged as much as possible.

Mr. GOFF. That is the position I thought the Senator was taking.

Mr. TRAMMELL. The great problem with the fruit growers of my State is that of marketing. A good marketing system is the secret of the success of the fruit and vegetable operations years ago, but, unfortunately, the growers have not been able to maintain it. Of course, conditions have been improved from time to time and are much better now than they were 10 years ago. That has resulted from cooperation on the part of the fruit growers and the vegetable growers of my State; and we hope to bring about a higher degree and a more beneficial system of cooperation under the provisions of the pending measure. That is the reason the people of my State, producing not less than \$125,000,000 worth of fruit and vegetables per annum, seek to not be excluded from the bill.

I have received a number of telegrams and a good many letters objecting to their being excluded from the operations of the bill, and I think that I have received but two telegrams in favor of the amendment. Those two telegrams came from independent marketing agencies—the American Fruit Growers (Inc.) and another independent marketing agency, I believe, Nunez & Co. I have no criticism to make of them. For a good many years I had business transactions with the American Fruit Growers (Inc.), and my business transactions with them were very satisfactory. That, however, is an independent organization, and, of course, it does not desire to support any legislation that will bring about a closer and more effective cooperation among the growers. They can not be blamed for that; but the sentiment among the fruit growers and producers of Florida is practically unanimous in favor of their products being retained in the bill. If that shall not be done, then we shall have only a limited territory, across the northern portion of my State, that will be benefited. That is the cotton and tobacco belt of the State. We want the cotton and tobacco growers to receive assistance, and I support the bill expecting them to be greatly aided; but should vegetable and fruit growers be eliminated from the measure, only the cotton and tobacco producers in that limited area in the northern part of the State of Florida will get any benefit whatever under the measure.

I have supported a number of farm relief bills here on account of my sympathy with agriculture in general; I have supported as many as two or three of farm relief measures because I have believed that it would be to the interest of our country in general to make prosperous as possible agriculture. Those particular bills that I have supported would have been of no

direct benefit whatever to the State of Florida, so far as our farmers were concerned. Now, we have a measure pending which I feel hopeful will be beneficial to my State, and I appeal to Senators not to strike out the provision under which we expect to receive some of the beneficent aid of the Government.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New York?

Mr. TRAMMELL. Certainly.

Mr. COPELAND. The Senator from Florida was in favor, was he not, of the adoption of the debenture plan?

Mr. TRAMMELL. Yes, sir; I voted in favor of the debenture.

Mr. COPELAND. Because the Senator thought that, among other things, it would help cotton which is produced in his State?

Mr. TRAMMELL. I thought it would help cotton.

Mr. COPELAND. Very well. I, too, voted for the debenture plan, and I have been criticized, I suppose, by every newspaper in my State for doing so. I did it because I felt that a Senator of the United States should vote to help the country and every part of the country, and while we in New York are not particularly interested in cotton we are interested in the welfare of the States where the people raise cotton. Now, does the Senator from Florida, in return for that, wish to strike a blow at the great commission and produce houses of New York? If he is willing to do that, he is very unkind and unfriendly to the fruit growers and vegetable growers of his State, because unless the marketing concerns of the great cities of the country, which now handle these products and sell them, shall be permitted to operate, the fruit and vegetable industry of his State will be destroyed. Unless he can get the Government to go into this business that is what is going to happen.

Mr. TRAMMELL. I do not agree with the Senator with regard to that matter. When we began to form our cooperative organizations for handling citrus fruits dire disaster was threatened against the industry, because it was said the marketing facilities and all opportunities to sell the fruit would be destroyed. When those cooperatives organized they stated, "We are going to have our own packing houses; we are going to do our own marketing; and if the people of New York and other cities who sell our fruits do not treat us right, we will establish selling agencies right in the heart of the city." It was said that would destroy absolutely the marketing agencies of the country; but it has not had that effect, and I do not anticipate any results of that character under the provisions of the pending bill. I would not want it to have results of that kind, and I rather think it will have a tendency to improve the situation. It will make the independent marketing agency, the independent selling agency, have a little more respect and regard for the rights of the producers of the country, and cause them, perhaps, to give back to the producers a big part of the return from the products which they have produced and brought into the market. They get very little of it at the present time. I do not think it will have any serious effect along the line indicated by the Senator from New York.

Mr. GOFF. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from West Virginia?

Mr. TRAMMELL. I yield.

Mr. GOFF. I should like to ask the distinguished Senator from New York if he is opposed to the Government going into the business of marketing?

Mr. COPELAND. Yes, sir; I am opposed to the Government going into business if there can be found any other agency to carry it on.

Mr. GOFF. Then, how does the Senator justify his vote for the debenture feature of the farm relief bill?

Mr. COPELAND. Just as the Senator from West Virginia will justify his vote when he votes to increase the tariff rates in a bill which will take five hundred or six hundred million dollars, and perhaps a billion dollars, out of the pockets of the people. I am going to justify my vote to help agriculture in this country exactly as the Senator from West Virginia will justify his vote to enable the manufacturers of America to put their hands into the pockets of the people of the country and by their exploitation to enrich themselves. That is my answer.

Mr. GOFF. Then the Senator from New York explains his past action by anticipating my future conduct? Is that it?

Mr. KING. Mr. President, will the Senator yield?

Mr. GOFF. I should like to have the Senator from New York answer my question.

The PRESIDING OFFICER. The Senator from Florida has the floor. To whom does he yield?

Mr. TRAMMELL. I can yield only to one at a time. I have yielded to the Senator from West Virginia.

Mr. COPELAND. I beg pardon. I am glad to listen to the Senator from West Virginia.

Mr. GOFF. I say the Senator, then, justifies his past action by what he thinks will be my future conduct regarding a measure which is not before the Senate for consideration.

Mr. COPELAND. I would not want to lean on a broken reed.

Mr. GOFF. Does not the Senator think that is what he is leaning on now?

Mr. COPELAND. Perhaps I did not give a full answer.

Mr. GOFF. I should not think the Senator's crutch of explanation in answer to my question would carry him very far.

Mr. COPELAND. Suppose I make a further answer. I come from a State which is the chief manufacturing State of this country; I come from a city which has now an output of manufactured goods in excess of the combined output of Pittsburgh, Cincinnati, St. Louis, Milwaukee, Cleveland, Detroit, and Boston. What do we do with the articles thus manufactured? We in the city of New York do not wear many of the overalls and kimonos and other commodities there manufactured. We sell them and largely sell them to the farmers of America. I am going to stand here as a Senator from my State and do everything I can to improve farming conditions in America in order that those who labor in the factories of New York State may have employment. By the debenture plan I see the possibility of giving some help to the farmer. If this bill is to be passed merely as it comes from the House, it will not help anybody. It will do probably what the Senator from West Virginia anticipates, namely, put the Government in business in an unprofitable and vain way. It will not accomplish anything, in my opinion.

Mr. GOFF. Then the Senator from New York, in anticipation, intends to vote on the tariff bill just as he has explained the Senator from West Virginia will vote on it?

Mr. COPELAND. I would not say that.

Mr. GOFF. I thank the Senator for his very clear explanation of what his vote will be.

Mr. COPELAND. I probably will not go so far as the Senator from West Virginia. He is sitting next to the Senator from Utah [Mr. Smoot], who wants to make the tariff duty on sugar 3 cents. Does the Senator think I am ever going to vote to put a duty of 3 cents a pound on sugar and take out of the pockets of the housewives of America another half billion dollars, or whatever the amount may be? I am not. I would rather vote a bonus to the beet-sugar growers of Utah than put a tariff on sugar, which is so generally used that every housewife will have to reduce her budget on other necessities in order that she may buy expensive sugar.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. The Senator from Florida has the floor. Does he yield, and if so, to whom?

Mr. TRAMMELL. I yield the floor for the present.

The PRESIDING OFFICER. The Senator from Florida yields the floor. The Senator from Utah is recognized.

Mr. SMOOT. Mr. President, all I wish to say in answer to the Senator from New York is that there will be no material amount of sugar coming into this country, as there has never been in the past, which will pay three cents a pound. The Senator knows that. He knows that there is a 20 per cent differential on sugar coming in from Cuba.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. I yield.

Mr. COPELAND. Is not the Senator splitting hairs?

Mr. SMOOT. No; I am not splitting hairs.

Mr. COPELAND. Is it not proposed by the Senator's party to increase the rates of duty in the sugar schedule?

Mr. SMOOT. Certainly.

Mr. COPELAND. Very well. The present schedule is a robbery schedule.

Mr. SMOOT. I have heard the Senator say that many times.

Mr. COPELAND. And I am going to continue to say it.

Mr. SMOOT. If I wished to do so I could stand here and call attention to rates of duty which are denominated robberies for which the Senator has said that he will vote.

Not merely one item is involved, but a great principle, Mr. President, and if we live up to that principle we have got to have it apply to every section of the United States and upon all commodities as nearly equally as possible. We do not want to pick out manufactured articles of the State of New York and protect them and let other items produced in other sections of the country go unprotected. I know the Senator would like to have free sugar because he has already stated on the floor of the Senate that that is what he is in favor of, but he is in

favor of protecting many other commodities which are produced in the State of New York, one of the great industrial centers of the United States. I am not in favor of having free trade for New York nor any other State as to articles a tariff on which is necessary in order to protect the wage that we pay in this country against the pauper labor of other countries.

Mr. SIMMONS. Mr. President, the tariff is not under discussion, and I think we had better leave its discussion until we are ready to give it consideration; but I do want to say to the Senator from Utah that as I read the bill the maximum rate of tariff is 3 cents a pound.

Mr. SMOOT. That there is no sugar to speak of that comes into this country—not one-half of 1 per cent—from any other country than Cuba that carries a duty.

Mr. SIMMONS. Exactly; I know that, and I know that the rate was fixed at 3 cents in order to fix a rate of duty in the case of that country just 20 per cent lower than that.

Mr. SMOOT. Why, certainly it was.

Mr. SIMMONS. They might have put it at 5 cents. What they were trying to do was to raise the rate on sugar imported from Cuba. That is what they were trying to do; and in order that they might lift that up as high as they wanted it they had to raise the general rate applicable to all other countries, to the world at large, to 3 cents. It was raised to that high level in order that the 20 per cent reduction might still leave Cuban sugar with a duty as high as they wanted it.

Mr. SMOOT. The Senator knows very well that we can not pass a bill saying that the rate from Cuba shall be 2.40 cents and the rate from all other foreign countries shall be 3 or 3½ cents, or that the rate from some other country shall be a different one. We do not pass tariff bills in that way. Whatever rates are fixed apply to all countries, with the exception of Cuba, and Congress itself has said what preference shall be given to Cuba.

Mr. SIMMONS. How much have you raised the tariff on Cuban sugar by this process of putting the general level up to 3 cents?

Mr. SMOOT. It will be 64 cents a hundred pounds more than it is now, or 80 cents a hundred regular, with 20 per cent to Cuba, or 16 cents per hundred pounds preferential.

Mr. WALSH of Massachusetts. Sixty-four cents per hundred pounds.

Mr. SIMMONS. Sixty-four cents per hundred pounds is what I understood.

Mr. SMOOT. The present rate to Cuba is \$1.76, and the other would be \$2.40. That is a difference of 64 cents.

Mr. WALSH of Massachusetts. I also call the attention of the Senator from Utah in this connection to the fact that in 1924 the Tariff Commission reported that the tariff on Cuban sugar should be \$1.23 per hundred pounds.

Mr. SMOOT. Mr. President, when we bring up the question for discussion I will refer to the propaganda that the Senator from Massachusetts has just repeated in this body.

Mr. WALSH of Massachusetts. Is it not true?

Mr. SMOOT. No, Mr. President; it is not true under—

Mr. WALSH of Massachusetts. Does the Senator assert that the Tariff Commission made no such recommendation?

Mr. SMOOT. They did not recommend any rate at all to anyone but the President.

Mr. WALSH of Massachusetts. So, then, the statement that in 1924 they did recommend a rate of \$1.23 per hundred pounds is false, untrue, and unfounded? Is that true?

Mr. SMOOT. I have never seen any such recommendation.

Mr. WALSH of Massachusetts. If it was made, of course the Senator would know.

Mr. SMOOT. I know what the New York sugar refineries and Cuban propagandists claim it to be.

Mr. WALSH of Massachusetts. The Tariff Commission made some recommendation to the President.

Mr. SMOOT. I know they made some recommendation.

Mr. WALSH of Massachusetts. What was it—to lower the rate of \$1.76?

Mr. SMOOT. I have not seen it, and nobody has a right to see it but the President.

Mr. WALSH of Massachusetts. That is pretty hard for a Senator to believe on this floor, knowing how carefully the Senator from Utah follows the tariff schedules, and knowing how sincere and deep his interest in sugar is, that he should say here that he has not seen a report made by the Tariff Commission to the President of the United States.

Mr. SMOOT. I say to the Senator from Massachusetts that neither the Senator from Utah nor anyone else, outside of the President himself, has seen it.

Mr. EDGE. Mr. President, would it not be a deliberate violation of the law for the Tariff Commission to permit the Senator

from Utah or any other citizen excepting the President of the United States to see a report of that kind?

Mr. SMOOT. I will say to the Senator now that I have never seen it, nor have I ever asked the President to see it, and I would be out of order and disrespectful if I did ask to see it.

Mr. WALSH of Massachusetts. The public press discussed the matter.

Mr. HATFIELD. Mr. President, a few days ago, when the farm relief measure was first under consideration, I was impressed with the idea that I should vote for an amendment that should exclude fruit and vegetables from the bill. My conviction came because of telegrams that I had received from the State of West Virginia; but upon investigation I found that these messages came largely from the commission merchants, and not from the producers of vegetables and fruits.

This is the first opportunity that the farmer has had to carry out the principles of cooperative marketing with the hope of securing some support from a source other than the commission merchant, to whom he has heretofore been obliged to sell his products.

The United States Government recognized the right of the farmers to organize on cooperative basis in the Clayton Act, and again in the Capper-Volstead Act, and yet again in the cooperative marketing act of 1926. My home State also recognized this right in the passage of a cooperative marketing act with broad powers, as have many other States; and in this connection I desire to offer an opinion of the Supreme Court of the United States, handed down by Mr. Justice McReynolds February 20, 1928:

It is stated without contradiction that cooperative marketing statutes substantially like the one under review have been enacted by 42 States. Congress has recognized the utility of cooperative association among farmers in the Clayton Act (38 Stat. 731); the Capper-Volstead Act (42 Stat. 802). These statutes reveal widespread legislative approval of the plan for protecting scattered producers and advancing the public interest.

And further it says:

We take judicial knowledge of the history of the country and of current events, and from that source we know that conditions at the time of the enactment of the Bingham Act were such that the agricultural producer was at the mercy of speculators and others who fixed the price of the selling producer and the final consumer through combinations and other arrangements, whether valid or invalid, and that by reason thereof the former obtained a grossly inadequate price for his products. So much so was that the case that the intermediate handlers between the producer and the final consumer injuriously operated upon both classes and fattened and flourished at their expense. It was and is also a well-known fact that without the agricultural producer society could not exist, and the oppression brought about in the manner indicated was driving him from his farm, thereby creating a condition fully justifying an exception in his case from any provision of the common law, and likewise justifying legislative action in the exercise of its police power.

And further:

So far as we are advised no American court has condemned a cooperative marketing contract of the character of this complainant association as injurious to the public interest or in any way violative of public policy. On the contrary, such contracts have been everywhere upheld as valid, if not positively beneficial to the public interest.

And further:

Cooperative marketing agreements, containing the essential features of the contract here considered, have been recognized in many of our States as a legitimate means of protecting its members against oppression, of avoiding the waste incident to the dumping of produce upon the market, with the consequent wide fluctuations in prices, and of securing to the producer a larger share of the price paid by the consumer for his products. Associations of the character here exist in practically all of our States and deal in nearly every form of agricultural products. From year to year the cooperative idea in marketing has been assuming wider scope and greater economic importance. Public approval of such cooperative organizations is evidenced by the adoption of enabling legislation in more than two-thirds of the States, including our own.

And further:

The reasons for promoting such legislation are generally understood. It sprang from a general, if not well-nigh universal, belief that the present system of marketing is expensive and wasteful and results in an unconscionable spread between what is paid the producer and that charged the consumer. It was for the purpose of encouraging efforts to bring about more direct marketing methods, thus benefiting both producer and consumer, and thereby promoting the general interest and the public welfare, that the legislation was enacted.

All of which fully confirms my belief that the United States Government; Mr. Hoover, President of the United States; Mr. Coolidge, former President; the American Farm Bureau; the National Grange and National Farmers' Union; my own home State; the farm bureau of every known State; and many other States and the organized agriculture thereof are fully convinced of the essentiality of providing the necessary machinery and other aids to make effective cooperative marketing on a national scale—in other words, to enable the 12,000 or 14,000 cooperative associations now in existence to organize other associations and to associate themselves together that they may carry their own production from the point of origin and assembly through the various phases of distribution until the price levels have been negotiated and the delivery made.

In studying the communications published in the CONGRESSIONAL RECORD to various Members of this Senate concerning the amendments proposing the elimination of fruits and vegetables from the farm relief bill under consideration, I find that uniformly the farmers and actual producers of fruit are asking that fruit and vegetables be included in this bill, and that the commission men, brokers, and private dealers are uniformly asking for its elimination, which directly joins the issue; and we must take our choice on this vote between the wishes of agriculture as an industry on one hand and the commission men, brokers, and private dealers who handle agriculture commodities on the other hand.

In this connection I desire to call attention to a clipping from the New York Packer of April 14, 1928—the trade paper of the commission men, brokers, and buyers dealing in fruits and vegetables, melons, and so forth—in which it boasts of how it influenced the Senate at the time the same question was before it one year ago:

CHICAGO, April 13.—The force of fruit and vegetable trade organizations was felt in Washington this week when a flood of telegrams from members of the various trade associations throughout the country poured into the offices of Senators. The joint council, representing members of the Western Fruit Jobbers' Association, International Apple Shippers' Association, and the National League of Commission Merchants, has been active in its support of the Copeland amendment excluding fruits and vegetables from the bill.

William Garfitt, secretary of the Western Fruit Jobbers' Association, said yesterday that members of his organization had been flooding Washington with telegrams this week in support of this amendment.

Of my own personal knowledge, the fruit and vegetable industry is very large and important in my home State, and their lot since the World War has been an unhappy one. I would feel recreant to the confidence imposed in me and expressed by my election to this body with the support of these good farmers if I did not at this time stand by them and give them fair legislation and governmental aid in their endeavor to organize and market on a cooperative basis.

In addition to the farmers making this effort of their volition, they have been and are now encouraged by all public bodies interested in the welfare of the Nation to solve their problem through the cooperative route, and this bill is intended to aid them by furnishing information, funds, counsel, and advice as to how best to make permanent the cooperative movement and to make it on such large scale that it can accommodate the immense production of the farmers of the United States. This procedure, as I stated above, having been approved by the Congress of the United States, the President and former President of the United States, the Supreme Court of the United States, the legislatures and administrations of 42 States of the Union, the support is so overwhelming that I can see no alternative other than opposing the amendment proposed and leave the bill as it came from the committee in dealing with fruits and vegetables, permitting this class of farmers to have the option of taking the advantage offered under the farm bill or leaving it alone, as they may choose.

The PRESIDING OFFICER (Mr. CONNALLY in the chair). The question is on agreeing to the amendment offered by the Senator from New York [Mr. COPELAND] as modified.

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Broussard	Deneen	Goff
Ashurst	Burton	Dill	Gould
Barkley	Capper	Edge	Greene
Bingham	Caraway	Fess	Hale
Black	Connally	Fletcher	Harris
Blaine	Connally	Frazier	Harrison
Blease	Copeland	George	Hatfield
Borah	Couzens	Gillett	Hawes
Brookhart	Cutting	Glenn	Hayden
	Dale		

Heflin	Norris	Sackett	Tydings
Howell	Nye	Schall	Tyson
Johnson	Oddie	Sheppard	Vandenberg
Kean	Overman	Shortridge	Walcott
Keyes	Patterson	Simmons	Walsh, Mont.
King	Phipps	Smoot	Warren
La Follette	Pine	Steck	Waterman
McMaster	Pittman	Steiwer	Watson
McNary	Ransdell	Swanson	Wheeler
Metcalf	Reed	Thomas, Idaho	
Moses	Robinson, Ark.	Thomas, Okla.	
Norbeck	Robinson, Ind.	Trammell	

Mr. DILL. I desire to announce that my colleague [Mr. JONES] is absent on account of illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, there is a quorum present.

Mr. COPELAND. I ask that the amendment as perfected may be read.

The PRESIDING OFFICER. The clerk will read the amendment, as modified.

The CHIEF CLERK. As modified, the amendment offered by the Senator from New York is, on page 25, immediately following subparagraph (d), to insert a new paragraph reading as follows:

(e) As used in this act the words "agricultural commodity" shall include potatoes and grapes, but shall not include any other vegetable or fruit, or milk or milk products: *Provided, however*, That this subparagraph shall not apply to the provisions of section 9, or paragraphs (c), (d), (e), or (f) of section 6.

Mr. SWANSON. Mr. President, I would be glad if the Senator from New York would explain what is the real effect of the amendment as modified.

Mr. COPELAND. The amendment takes all fruits and vegetables, with the exception of potatoes and grapes, from the stabilization features of the bill, but it leaves in sections (c), (d), (e), and (f), on pages 14, 15, and 16, permitting loans to the cooperatives, the application of the revolving fund to meet obligations, the insurance agreement, and that the rate of interest shall be 4 per cent. I am assuming that the amendment of the Senator from Oregon [Mr. McNARY] to subsection (c) will be added at some time or other whether my amendment is adopted or not, but I believe that it answers the criticisms offered by the two Senators from Florida, the Senator from Georgia [Mr. GEORGE], and others. It leaves in the bill the aid for the cooperatives and the other items I have mentioned.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. COPELAND] as modified.

Mr. FLETCHER. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). I desire to announce that I have a general pair with the Senator from Virginia [Mr. GLASS]. In his absence and not knowing how he would vote I withhold my vote. If permitted to vote, I would vote "nay."

Mr. REED (when his name was called). I have a general pair with the Senator from New Mexico [Mr. BRATTON]. Being unable to obtain a transfer, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. JONES]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. WATSON (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote.

The roll call was concluded.

Mr. COPELAND. If my colleague the junior Senator from New York [Mr. WAGNER] were present, he would vote "yea."

Mr. ROBINSON of Arkansas. I desire to announce the absence of the Senator from Wyoming [Mr. KENDRICK] on account of illness.

Mr. FESS. I desire to announce that the senior Senator from Delaware [Mr. HASTINGS] has a pair with the junior Senator from New York [Mr. WAGNER]. If present, the senior Senator from Delaware would vote "nay" and the junior Senator from New York would vote "yea."

I also desire to announce that the junior Senator from Delaware [Mr. TOWNSEND] has a pair with the Senator from Tennessee [Mr. McKELLAR].

Mr. SCHALL. My colleague the senior Senator from Minnesota [Mr. SHIPSTEAD] is still ill in the hospital. I will let this announcement stand for the day.

Mr. SHEPPARD. I desire to announce that the Senator from Massachusetts [Mr. WALSH] is unavoidably detained from the Senate.

The result was announced—yeas 11, nays, 66, as follows:

YEAS—11			
Caraway	Edge	Kean	Tydings
Copeland	George	Ransdell	Warren
Dill	Gillett	Robinson, Ark.	
NAYS—66			
Allen	Fletcher	McMaster	Shortridge
Ashurst	Frazier	McNary	Simmons
Barkley	Glenn	Metcalf	Smoot
Black	Goff	Moses	Steck
Blaine	Gould	Norbeck	Steiwer
Blease	Greene	Norris	Stephens
Borah	Hale	Nye	Thomas, Idaho
Brookhart	Harris	Oddie	Thomas, Okla.
Broussard	Harrison	Overman	Trammell
Burton	Hatfield	Patterson	Tyson
Capper	Hayden	Phipps	Vandenberg
Connally	Howell	Pine	Walcott
Couzens	Johnson	Pittman	Walsh, Mont.
Cutting	Keyes	Robinson, Ind.	Waterman
Dale	King	Sackett	Wheeler
Deneen	La Follette	Schall	
Fess		Sheppard	
NOT VOTING—18			
Bingham	Hawes	Reed	Wagner
Bratton	Hebert	Shipstead	Walsh, Mass.
Glass	Jones	Smith	Watson
Goldsborough	Kendrick	Swanson	
Hastings	McKellar	Townsend	

So Mr. COPELAND's amendment as modified was rejected.

Mr. DILL. Mr. President, owing to illness, my colleague the senior Senator from Washington [Mr. JONES] is absent. I desire to offer at this time in his behalf the following amendment.

The PRESIDENT pro tempore. The amendment will be reported for the information of the Senate.

The LEGISLATIVE CLERK. On page 8, line 3, after the word "commodity," insert the words "except apples and pears."

Mr. DILL. Mr. President, I shall not take the time of the Senate to discuss the amendment other than to explain that the only change it makes in the bill is that the stabilization corporation certificates would not be issuable for the purpose of dealing in apples and pears. It would not interfere with loans to cooperatives. It would not interfere with any other section of the bill, but so far as the stabilization corporation is concerned it would prohibit the issuing of a certificate that would permit it to go in the market and attempt to handle apples and pears.

The apple industry in those sections where it is highly developed is so well organized and has been so well able to handle the crops and market them that the apple growers in those sections fear that any attempt to interfere with the present marketing system will result disastrously. We are exporting about 11,000,000 boxes of apples from this country, and the removal of that amount of export product makes possible a substantial price for the domestic marketed apple. The markets are financed not only by American funds but by foreign funds. It has been due to their existence that the cooperatives in the apple industry have built up their present marketing system.

Owing to the fact that a very small number of cooperatives in any one State under this bill might be granted a certificate to form a stabilization corporation and thereby upset the markets of Europe by making fruit growers think there would be a dumping of apples within a few months, the apple growers of the Northwest and of the Virginia section, I think, and of the Pennsylvania area and of New York—the great apple-producing sections of the United States—are practically unanimous in their demand that they shall be excluded from the operation of the bill. I hope the amendment may be adopted.

Mr. VANDENBERG. Mr. President, I think it is quite unnecessary to debate this particular amendment at any greater length, but it is impossible to permit the final statement of the Senator from Washington to pass unanswered, namely, that there is a practically unanimous feeling among the apple growers throughout the country that they should be exempted from the operations of the bill.

Mr. DILL. I said in the great sections where the apple-growing industry has been principally developed.

Mr. VANDENBERG. I beg the Senator's pardon if I misquoted him. The fact remains that there is a great apple section in the Middle Northwest, and, in so far as I have been able to test the opinion of the apple growers in that region, particularly in the State of Michigan, the opinion is almost unanimously in favor of their being left in a position where they may take advantage of the optional features of the bill if they so desire.

The only observation further which I desire to offer is that if the apple export situation is in any such splendid condition as the Senator from Washington has indicated, then he must presuppose utterly bad judgment, utterly impossible business insanity in the Federal farm board itself before he can contemplate the issuance by the farm board of any order of any nature which would either destroy those agencies, duplicate them, or

fail to take advantage of them. Our apple growers and producers desire to retain the option which the bill offers to all the other branches of agriculture by way of ultimate benefit.

Mr. BORAH. Mr. President, I have received some telegrams favoring this amendment, but I am perfectly satisfied that there is a very great misconception as to the bill on the part of those sending the telegrams. They have an idea that the measure imposes something upon them which the measure does not impose; and, notwithstanding these telegrams, I think the amendment ought to be defeated. It simply gives to those who may so desire an opportunity to avail themselves of the provisions of the bill; it does not compel anyone to come in, neither does it interfere with anyone who desires to stay out.

Mr. SWANSON. Mr. President, the Horticultural Society of Virginia, composed of 700 apple growers, representing the third largest apple-growing State in the United States, through its president, Mr. Byrd, has telegraphed me that this amendment, if adopted, would be very detrimental to the apple-growing industry of Virginia. They therefore ask me to vote that apple growers shall be excluded from the stabilization-corporation feature of the measure.

Mr. JOHNSON. Mr. President, the nub of this proposition is simply this: Shall those in a certain locality who may not wish to avail themselves of the benefits of this bill deny those benefits to those of other localities who want to avail themselves of the benefits of the bill? That is what the amendment proposes.

The other way around is perfectly logical. The gentlemen in Virginia who are represented by the distinguished Senator from Virginia [Mr. SWANSON], those in Washington, who are represented by the distinguished Senator from Washington [Mr. DILL], may not participate in the benefits of the bill if they do not wish to; that is optional with them. However, is it just and fair, in framing a bill which is designed to aid a failing industry—agriculture—for Virginia or Washington to say that Michigan or Idaho or California or some other State may not have the advantage of participating in the provisions of the bill? That is the whole question, Mr. President. Therefore, I think the amendment ought to be defeated.

Mr. DILL. Mr. President, I wish just for a moment to call attention to the fact that the argument which the Senator from Michigan and the Senator from California have made is misleading. It sounds very alluring and very appealing to say that nobody needs to come under the workings of this bill unless he desires to do so, but the fact of the matter is that when it comes to the handling of a perishable product, if the producers of that product in one section are able to secure a certificate for a stabilization corporation, and that product is dependent upon an export market for its domestic price, the remainder of the producers are by the very force of circumstances compelled to go into the stabilization corporation or the market will be upset. The fact that there is a Government-aided corporation in the business of cornering the market, of buying up the surplus, will arouse the expectation of a later dumping of fruit upon the European markets, thus breaking down the export market and hurting the very people we are trying to help.

We are not trying to interfere with the loaning of money to cooperatives; we do not want to interfere with the clearing-house provisions; we only ask that the provisions of the bill which authorize the board to grant a certificate which will enable a stabilization corporation to buy fruit and store it for a few months, when it must all be used before the July following the time it is produced, shall not apply to apples and pears. Of course, it is ridiculous to talk about the provision applying to pears in any event, because pears are especially perishable, with the exception of a few varieties.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. DILL. I yield.

Mr. ROBINSON of Arkansas. Would it not be difficult to apply the provisions of the bill as they relate to stabilization corporations to any perishable products?

Mr. DILL. It would be difficult. I called attention in my argument yesterday to the fact that this whole farm legislation proposal was made with a view to stabilizing the price of staple products of the farm, not of perishables; and in the bill which was passed during the last Congress we excepted from the operation of the equalization fee the perishables that could not be stored any particular length of time. Other farm crops may be carried for a period of time, but perishables must be

disposed of, and when we are dealing with a commodity that depends for its price upon exports we are upsetting the whole marketing situation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. JONES].

Mr. VANDENBERG. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). On this question I have a pair with the Senator from Virginia [Mr. GLASS]. Understanding that if present he would vote as I intend to vote, I feel at liberty to vote, and vote "yea."

Mr. REED (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. BRATTON] to the Senator from Virginia [Mr. GLASS], and vote "yea."

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Washington [Mr. JONES]. I am advised that if present he would vote as I intend to vote. Therefore I feel at liberty to vote, and vote "yea."

Mr. COPELAND (when Mr. WAGNER's name was called). It has been impossible to obtain a pair for my colleague [Mr. WAGNER], but I desire to announce that if present and permitted to vote, he would vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. Not knowing how he would vote, I withhold my vote. If I were permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. ROBINSON of Arkansas. I wish to announce that the Senator from Wyoming [Mr. KENDRICK] is detained from the Senate by illness.

Mr. SHEPPARD. I desire to announce that the Senator from Massachusetts [Mr. WALSH] is unavoidably detained from the Senate.

Mr. SWANSON. I desire to announce that my colleague [Mr. GLASS] is unavoidably detained from the Senate. If present, he would vote "yea" on this question.

The result was announced—yeas 19, nays 63, as follows:

#### YEAS—19

Bingham	Copeland	McNary	Stephens
Black	Dill	Ransdell	Swanson
Broussard	Edge	Reed	Tydings
Caraway	Gillett	Robinson, Ark.	Warren
Connally	Kean	Steiner	

#### NAYS—63

Allen	George	Keyes	Schall
Ashurst	Glenn	King	Sheppard
Barkley	Goff	La Follette	Shortridge
Blaine	Goldsborough	McMaster	Simmons
Bleas	Gould	Metcalf	Smoot
Borah	Greene	Moses	Steck
Brookhart	Hale	Norbeck	Thomas, Idaho
Burton	Harris	Norris	Thomas, Okla.
Capper	Harrison	Nye	Trammell
Couzens	Hastings	Oddie	Tyson
Cutting	Hatfield	Overman	Vandenberg
Dale	Hayden	Patterson	Walcott
Deneen	Hebert	Phipps	Walsh, Mont.
Fess	Heflin	Plne	Waterman
Fletcher	Howell	Pittman	Wheeler
Frazier	Johnson	Robinson, Ind.	

#### NOT VOTING—13

Bratton	Kendrick	Smith	Watson
Glass	McKellar	Townsend	
Hawes	Sackett	Wagner	
Jones	Shipstead	Walsh, Mass.	

So the amendment of Mr. JONES was rejected.

Mr. BROOKHART. Mr. President, I desire to give notice that on Monday, immediately after the convening of the Senate, if I can get recognition, I shall speak briefly upon the subject of pseudo-Republicans and related things as they affect the farm problem.

The PRESIDENT pro tempore. The Senate will take notice that the Senator from Iowa, immediately on the convening of the Senate on Monday, if he can get recognition, will speak briefly on the subject of pseudo-Republicans.

Mr. THOMAS of Oklahoma. Mr. President, I call up from the table an amendment I have offered to section 2. I desire to offer that amendment in a modified form, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Oklahoma will be taken from the table and stated in its modified form.

The CHIEF CLERK. The Senator from Oklahoma offers the following amendment: On page 3, beginning on line 14, after the word "board," strike out the balance of said line, all of line 15,

and all of line 16 down to and including the word "chairman," and insert in lieu thereof the following:

The board shall select a vice chairman, who shall act as chairman in case of the absence or disability of the chairman.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. McNARY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. THOMAS of Oklahoma. I yield to the chairman of the committee.

Mr. McNARY. There was so much confusion in the Chamber that I am not clear as to just what change the Senator proposes by his amendment.

Mr. THOMAS of Oklahoma. I can make the amendment clear in just about three sentences.

The bill provides that the President shall have the power to appoint the chairman of this board. It further provides that in the absence of the chairman of the board, before the board can have a meeting they must send a messenger down to the President and ask the President if they may have a meeting; and, if so, who shall call it, and get the President to designate some one for that purpose. My amendment strikes out that provision, and proposes that the board itself can elect its own vice chairman, so that the board can meet and function when it sees proper.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. KING. Mr. President, I should be very glad to have the chairman of the committee or some other member of the committee explain the reason of this departure from the practice which has been uniformly followed by Congress in the creation of administrative or executive boards for carrying on the work of the Government. My recollection is that not in a single instance has Congress given to the President of the United States the power to designate who shall be chairman or vice chairman of a board, and certainly no authority has ever been heretofore given to the President to name the salary which the chairman of a board should receive.

I hope the Senator from Oklahoma, in addition to attacking this provision of the bill, which I regard as a very improper provision, will move to strike out the provision giving the President of the United States authority to designate the amount of compensation which the chairman shall receive.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. KING. I yield.

Mr. THOMAS of Oklahoma. I have an amendment for that purpose which I shall call up at the first opportunity.

Mr. KING. I am very glad to know that, because it seems to me most absurd that the President of the United States could differentiate between members of a board, and say that one member of the board shall receive \$40,000, if the President shall so determine, and the other members of the board ten or twelve thousand dollars.

Mr. McNARY. Mr. President, I can discuss that matter briefly, and probably enlighten the Senator as to the reasons why the language is found in the bill in the form that he now criticizes.

When the bill came before the Senate committee at the last session and S. 4602 was prepared, I had some conferences with the experts in the Bureau of Agricultural Economics of the Department of Agriculture on the subject of the preparation of the bill. The bill that I favored followed the usual practice of the President naming the board, as in this bill, and Congress fixing the salary and the tenure of office.

Secretary Jardine felt that while it would be a slight departure from the usual practice, yet it would be the part of wisdom if the President were empowered to select what he called a high-powered man, at a salary to be fixed by the President, so that he might be assured of the best talent in the country. Therefore, when this bill was proposed to the committee and reported by the chairman, it contained that provision, which was supported by former Secretary Jardine, that the chairman's salary should be fixed by the President of the United States.

I think there are precedents for that proposition in the Federal Trade Commission and in the Shipping Board so far as the salary of the chairman is concerned, but Congress has fixed the salaries of the chairmen of those boards; and probably in this bill there is no precedent—at least, none that occurs to me—where the salary has been left to the whim or pleasure of the President.

So far as I am concerned, I think probably I am in accord with the Senator from Utah [Mr. KING]. I would rather see Congress fix the salary; yet I think it is probably wise to permit the President to appoint the chairman.

So far as the vice chairman is concerned, that is a matter of parliamentary detail in which I am not at all concerned. I do not oppose the proposal made by the Senator from Oklahoma; but the larger proposition is suggested by the Senator from Utah with regard to fixing the salary of the chairman. If such an amendment should be offered, I shall not oppose it at all.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. THOMAS].

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, I offer a second amendment, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 3, line 19, after the word "States," it is proposed to strike out the word "who," add a comma, and insert the following:

shall understand the farm problem, shall have the viewpoint of the farmer, shall have the interests of agriculture uppermost, and,

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. Mr. President, just a word of explanation.

The President, in his speech of acceptance at Palo Alto, in defining the character of the board he proposed to appoint in the event this bill was passed, used this language, speaking about the platform:

It pledges the creation of a Federal farm board of representative farmers.

My amendment does not go that far. It does go, however, to the point that the members of the board must have the farmer's viewpoint, must understand the farm problem, and must have the interests of the farmer uppermost.

I simply seek to qualify the personnel of the board. I do not care to say that they shall be representative farmers, because that is a very large term. I am more interested in the fundamental characteristics of the members of the board than in the name that may be applied to them.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Oklahoma. Gladly.

Mr. ROBINSON of Arkansas. Undoubtedly it would be desirable to have this board made up of members possessing the qualifications embodied in the language "shall understand the farm problem." I am wondering, however, how effect will be given to that language, how it will be determined when an appointee of the President understands the farm problem, in view of the differences that exist among the farmers in the Senate of the United States on the subject. [Laughter.]

Mr. CARAWAY. Mr. President, why not refer that matter to the senior Senator from Ohio [Mr. FESS]? He can tell a pseudo-farmer. [Laughter.]

Mr. ROBINSON of Arkansas. That might be a very happy solution.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Oklahoma [Mr. THOMAS].

Mr. McNARY. Mr. President, I have been interrupted so much that I am not sure that I understand the amendment of the Senator from Oklahoma. Does the amendment in any way limit the power and authority conferred upon the President to designate freely the members of the board?

Mr. THOMAS of Oklahoma. Mr. President, let me make another statement, if I may.

It is the conception and provision of the House bill that no restrictions whatever shall be placed upon the President in the appointment of this board. Its members do not have to be anything except his personal selections, without restriction or qualification. The Senate bill proposes some restrictions. It does not go as far as I should like to make it go; and I therefore offer this amendment, requiring the members of the board, in addition to the chairman, to be men who understand the farm problem, men who have the farmers' interest uppermost and have their viewpoint.

Mr. McNARY. Mr. President, I suspect that the President would take into consideration all of those factors; but I am very mindful of the opinion of the Attorney General, rendered last year when the export surplus bill was vetoed, where Congress attempted to mark out the path the President should

follow; and in that opinion the Attorney General held that language of that kind was contrary to the fundamental law.

I think the Senator perhaps should be content with the language used in the Senate bill and trust to the good judgment of the President. Really, I do not know how he would undertake to find one who understands the farm problem or has the viewpoint of the farmer. That is not the only qualification a member of this board should have. Unquestionably the President will take enough pride in the administration of a bill which he favors to select the best men; and, naturally, in order to administer the law precisely and equitably and fairly they will have and must have a sympathetic attitude toward the farmer.

If the Senator should insist upon the adoption of his amendment, I am afraid it might add a little confusion to the language that might at some time tend to embarrass the administration of the act.

Mr. THOMAS of Oklahoma. Mr. President, if the Senator will yield—

Mr. McNARY. I yield.

Mr. THOMAS of Oklahoma. I want to call attention to the words of the President himself. In his St. Louis speech he used this language:

We propose to create a Federal farm board composed of men of understanding and sympathy for the problem of agriculture.

I have tried to embody that suggestion in my amendment. I want to make sure that we follow the line laid down by the President, and I have offered the amendment to accomplish that purpose.

Mr. McNARY. Is not the Senator willing to abide by the declaration of the President, or does he want that declaration supplemented by congressional action?

Mr. THOMAS of Oklahoma. I am offering this amendment and urging its acceptance.

Mr. McNARY. I hope the amendment will not be pressed nor supported by the majority of the Members, because I am afraid it will come into collision with the department's views expressed last year by Mr. Sargent in the veto message sent to Congress by the President.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Oklahoma. [Putting the question.] The yeas have it, and the amendment is rejected.

Mr. THOMAS of Oklahoma. I ask for a roll call on this amendment.

The yeas and nays were not ordered.

Mr. THOMAS of Oklahoma. I ask for a division.

On a division, the amendment was rejected.

Mr. HARRIS. Mr. President, I offer an amendment and call it to the attention of the chairman of the committee, who, I am sure, will accept it.

The PRESIDENT pro tempore. The amendment will be reported.

The CHIEF CLERK. The Senator from Georgia offers the following amendment. At the proper place to insert:

That the inclusion in any governmental report, bulletin, or other publication hereinafter issued or published of any prediction with respect to cotton prices is hereby prohibited.

SEC. 2. Any officer or employee of the United States who authorizes or is responsible for the inclusion in any such report, bulletin, or other publication of any such prediction, or who knowingly causes the issuance or publication of any such report, bulletin, or other publication containing any such prediction shall, upon conviction thereof, be fined not less than \$1,000 or more than \$10,000, or imprisoned for not more than five years, or both.

Mr. HARRIS. Mr. President, this has passed the Senate before; but did not pass the House, not being voted on there. I think the chairman of the committee will approve of it.

Mr. McNARY. Mr. President, two years ago Congress passed an act prohibiting, and prescribing a penalty for, any employee of the Department of Agriculture giving out such a report as is now comprehended in this amendment. That is the present statutory law.

Mr. HARRIS. My understanding was that that passed only the Senate, but that the House declined to pass it. If the chairman of the committee thinks it is covered, I will not press the amendment; but what I am trying to do is to prevent what happened two years ago, when a statement as to prices of cotton cost the farmers \$60,000,000.

Mr. McNARY. Possibly the law might not cover the activities of employees of the proposed stabilization corporations.

Mr. HARRIS. This does not relate to them.

Mr. McNARY. It should do so if the Senator wants a complete act, because the present law covers and inhibits such ac-

tion by Department of Agriculture employees. We are creating an additional agency to do particular work in cooperation with the department, and the Senator's amendment, in order to be complete, should cover the activities provided for under this bill, as well as those prescribed under the general act regarding the Department of Agriculture. If the Senator will enlarge his amendment to meet that situation, as chairman of the committee, I shall be very glad, so far as I can, to accept it.

Mr. HARRIS. For the present, I withdraw the amendment, until I can perfect it.

Mr. THOMAS of Oklahoma. Mr. President, I have an additional amendment to section 2, which I now call from the table.

The PRESIDENT pro tempore. The amendment will be reported.

The CHIEF CLERK. On page 4, at the end of line 5, add a period and strike out all of line 6, in the following words: "Except the chairman, whose salary shall be fixed by the President."

Mr. THOMAS of Oklahoma. Mr. President, this amendment proposes to strike out the language "except the chairman, whose salary shall be fixed by the President." Under the terms of section 2 the President can appoint the chairman and then fix his salary at any figure within his discretion. It might be fixed at \$15,000, or \$20,000, or \$25,000, or \$50,000. That is a radical departure from anything we have done heretofore.

Yesterday I undertook to show what the salaries of members of other Federal boards were. In the Interstate Commerce Commission the salaries are \$12,000 per annum, and the chairman gets no additional sum. In the United States Board of Mediation the members get \$12,000 per annum, and the chairman no additional sum. The same is true of the United States Shipping Board, where the members get \$12,000 per annum, and the chairman gets no additional sum.

The members of the Federal Reserve Board get \$12,000 per annum and the chairman nothing extra. The same is true of the Federal Trade Commission, where the members get \$12,000 per annum. The members of the United States Tariff Commission get only \$9,000 per annum, yet the chairman gets no additional salary. The members of the United States Board of Tax Appeals get \$10,000 per annum and the members of the Federal Radio Commission get \$10,000 per annum.

Inasmuch as this has not been done in the past, I oppose it being done now, and I offer the amendment to strike out that provision giving the President this additional power.

Mr. McNARY. Mr. President, it is difficult to confer with different Senators and listen to the debate on the floor at the same time. Does the Senator's amendment go only to the proposition of taking away from the President the right to name the salary of the chairman of the board?

Mr. THOMAS of Oklahoma. That is all.

Mr. McNARY. What salary does the Senator fix in his amendment?

Mr. THOMAS of Oklahoma. Twelve thousand dollars a year for the board members, and the chairman under my amendment would get the same salary that the other members of the board receive. He can be designated by the President, however.

I will say in this connection that the House bill provides that the chairman shall not only be appointed by the President, but shall serve at the will of the President, which means that he can be appointed at the President's will and discharged at his will. In addition to that, it provides that the President can fix the salary which this person, who is purely at his mercy, shall receive from time to time during the time he is serving.

Mr. McNARY. Mr. President, I stated to the Senator from Utah a few moments ago that on the inception of this legislation my disposition was to fix the salary at \$12,000. It is not necessary for me to repeat that that met with the opposition of the Department of Agriculture or the former Secretary of the department, on the theory that it might be difficult for the President to find a high-class, efficient, high-powered man without giving him a salary adequate to the services he would render.

I have never been converted to that view, Mr. President. I feel rather indifferent about the matter. My original idea, and the idea I now entertain, is that probably Congress should fix the salary of the employees of this board. I think that is a congressional responsibility. It was only after pressure on the part of the former Secretary of the department that I acquiesced in the provision now contained in the bill. There is nothing binding in it; I do not feel bound by it, nor should any other Member. It is a question of policy.

I do not know of a single instance in the legislative history of the country where the President has been given carte blanche authority to fix the salary of the chairman of a body like the one provided for in this legislation. It may be the part of wisdom to grant the President that great power, and it may not

be. I am willing, for myself, to assume responsibility and fix the salary of the chairman of the proposed board. I submit the whole matter to the good judgment of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Oklahoma [Mr. THOMAS].

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). I have a pair with the junior Senator from Virginia [Mr. GLASS], which I transfer to the senior Senator from Kentucky [Mr. SACKETT], and vote "nay."

Mr. REED (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. BRATTON], and being unable to obtain a transfer I withhold my vote.

Mr. SWANSON (when his name was called). I have a general pair with the senior Senator from Washington [Mr. JONES], which I transfer to the junior Senator from Wyoming [Mr. KENDRICK], and vote "yea."

Mr. COPELAND (when Mr. WAGNER's name was called). If my colleague [Mr. WAGNER] were present and permitted to vote, he would vote "yea."

Mr. WATSON (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the senior Senator from Rhode Island [Mr. METCALF] and vote "nay."

The roll call was concluded.

Mr. FESS. I desire to announce that the junior Senator from Delaware [Mr. TOWNSEND] has a general pair with the senior Senator from Tennessee [Mr. McKELLAR].

Mr. SHEPPARD. I desire to announce that the junior Senator from Massachusetts [Mr. WALSH] is necessarily absent. It has been impossible to secure a pair for that Senator.

I also desire to announce that the junior Senator from Georgia [Mr. GEORGE] is detained on official business.

Mr. ROBINSON of Arkansas. I desire to announce that the junior Senator from Wyoming [Mr. KENDRICK] is unavoidably detained by illness.

The result was announced—yeas 46, nays 32, as follows:

YEAS—46			
Ashurst	Dill	McNary	Steak
Barkley	Fess	Norris	Swanson
Black	Fletcher	Nye	Thomas, Idaho
Blaine	Frazier	Overman	Thomas, Okla.
Blease	Harris	Pine	Trammell
Borah	Harrison	Pittman	Tydings
Brookhart	Hawes	Ransdell	Tyson
Broussard	Hayden	Robinson, Ark.	Vandenberg
Caraway	Heflin	Schall	Walsh, Mont.
Connally	King	Sheppard	Wheeler
Copeland	La Follette	Shortridge	
Couzens	McMaster	Simmons	
NAYS—32			
Allen	Glenn	Hebert	Phipps
Bingham	Goff	Howell	Robinson, Ind.
Burton	Goldsborough	Kean	Smoot
Capper	Gould	Keyes	Steiwer
Iale	Greene	Moses	Walcott
Deneen	Hale	Norbeck	Warren
Edge	Hastings	Oddie	Waterman
Gillett	Hatfield	Patterson	Watson
NOT VOTING—17			
Bratton	Jones	Sackett	Wagner
Cutting	Kendrick	Shipstead	Walsh, Mass.
George	McKellar	Smith	
Glass	Metcalfe	Stephens	
Johnson	Reed	Townsend	

So the amendment of Mr. THOMAS of Oklahoma was agreed to.

Mr. VANDENBERG. Mr. President, I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be reported for the information of the Senate.

The CHIEF CLERK. On page 6, line 16, after the word "commodity," add the following:

And this council shall petition for such certification by a vote of not less than five of the seven members prescribed hereafter.

So as to make the sentence read:

SEC. 4. (a) Prior to the first certification of a stabilization corporation for any agricultural commodity, as hereinafter provided, the board shall organize an advisory council for the commodity, and this council shall petition for such certification by a vote of not less than five of the seven members prescribed hereafter.

Mr. VANDENBERG. Mr. President, before the stabilization corporation can be organized under the terms of the bill a commodity advisory council must be ordained, but that council is not given any authoritative relationship to the ultimate invocation of the stabilization corporation. It strikes me that the

commodity involved should make a definite affirmative commitment in favor of an adventure of this character, speaking through its advisory council, before the Federal farm board should undertake to speak in the same direction in behalf of that commodity. The sole effect of the amendment is to give to the commodity advisory council, precisely as directed under the terms of the bill, the original responsibility of petitioning the Federal farm board for the stabilization corporation. In other words, it permits the commodity itself to speak through its own official representative before the stabilization corporation charter can be granted.

Mr. McNARY. Mr. President, perhaps I do not thoroughly understand the purport of the amendment, but I assume it is an effort to place in the power of the advisory council the veto power as to whether the stabilization corporation charter shall be granted to the commodity.

Mr. VANDENBERG. That is correct—the veto of the commodity itself.

Mr. McNARY. It does not present a new thought on the subject matter now before us. I recall that four years ago the able Senator from North Carolina [Mr. SIMMONS] attempted to describe an institution in the bill which might bring about safeguards with respect to the invocation of the classification fee, and in that language there was an effort to control all its hearings on certain commodities. That also went to the President, and the Attorney General also negated the idea and thought. Basically, the objection I might have to it is that after we create a board which is supposed to be commanding in its position, empowered with ample authority for the administration of the law, we create under it a little board or little group who would have the right to control or repudiate or stop the larger board's authority granted to it by law.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Oregon yield?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Arkansas?

Mr. McNARY. I am very glad to do so.

Mr. ROBINSON of Arkansas. What is the function then of the advisory council for the respective commodities if it may not have something to say about when the commodity shall be operated under the stabilization provision? What is the use of creating the advisory council?

Mr. McNARY. Of course, that raises another point on which I shall be very glad to digress for a moment. The theory of the bill and all others that have been forerunners of it is an advisory council representing the particular commodity to advise with the board as a representative of that commodity whether in its judgment certain things should be done. That is a very different proposition from giving that small board a veto power upon the board which is to function in the administration of the law.

Mr. ROBINSON of Arkansas. As I understand the amendment offered by the Senator from Michigan, it makes the recommendation of five of the seven members of the advisory council a prerequisite to the establishment of a stabilization corporation for that commodity.

Mr. VANDENBERG. That is correct.

Mr. McNARY. That is precisely what I am talking about.

Mr. ROBINSON of Arkansas. I do not know whether I agree with the Senator from Michigan or the Senator from Oregon. I am trying to ascertain the facts of the matter; but it does seem to me that the advisory council, if it has any useful function, ought to have something to do.

Mr. McNARY. I think I appreciate the thought in the Senator's mind. This is not a new proposition, but still that power rests in the advisory council because it requires a majority to consent to the issuance of a stabilization certification. It is not as truly representative of the commodity as the cooperative associations themselves. Under the bill as it stands the cooperative association that deals in the commodity must make its application for a charter; that is, the men themselves, the individuals who compose the association must apply. They make the request for the charter. Why, then, should we say that men whom they designate as their representatives should have the power to overthrow their wishes as growers? That is the effect of the amendment.

Let me illustrate for a moment. A number of cooperative associations dealing in cotton, for instance, apply for a certificate of stabilization. The board now can grant that certificate to the cotton farmers. Each farmer representing an activity on the farm and as a member of the cooperative association has a direct voice. If we permit, as the bill does, these same organizations to elect an advisory council and then confer on that council the veto power, the advisory council might stand over the cooperatives and prevent them from having a charter.

Mr. ROBINSON of Arkansas. Then it would result, in the Senator's opinion, in an unwholesome division of authority?

Mr. McNARY. That is true.

Mr. ROBINSON of Arkansas. It would impair the power of the board to perform its duties?

Mr. McNARY. Not only that, but it might cause a negation of the very wishes that might reside in the members composing the cooperative association.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. McNARY. I am very glad to yield.

Mr. VANDENBERG. Might not a very small representation in a given commodity petition for a stabilization corporation, and might not the granting of that petition be objectionable to a majority interest in the commodity, and would there be any protection in the bill against that situation except as the general commodity advisory council had the chance to act upon the petition by intervening?

Mr. McNARY. Of course, the board might grant a certificate to a small group of producers. If we are going to assume anything of that kind, let us forget the legislation even as we have discussed it. I would say, as I said to the Senator from Montana [Mr. WALSH] a few days ago, I have a right to assume that a board such as would be appointed for the purpose of conferring the largest possible benefits under the legislation would pretty generally gather from the cooperatives what their wishes were. They have ample power to do it. I think they would grant no charter to any association unless it was truly representative of that commodity. If that be so, and we have a right to assume that it would be their attitude, why should we give to a small body the veto power even over and above the members and take from the larger board the power properly vested in it?

Mr. CARAWAY. Mr. President, may I suggest to the Senator that the object of the advisory council is to gather information and present it to the board?

Mr. McNARY. That is one object.

Mr. CARAWAY. It is the function of the board to determine then what weight and influence shall be given to the information. The amendment seeks to make the advisory council the absolute master of the industry, and if it happened to be unfriendly the organization could not function. It could not be done. There would be a divided authority, with the lesser body controlling the greater.

Mr. KING. Mr. President, will the Senator permit an inquiry or suggestion?

Mr. McNARY. I am very glad to yield to the Senator from Utah.

Mr. KING. In view of the diversity of interests in the United States in agricultural activities, in view of the differences in freight rates from the field of production of many products to the market, domestic and foreign, it seems to me it is impossible in justice to attempt a stabilization corporation, for instance, in the East or in the South that would meet the demands of those in the Middle West and the West. If, yielding to the importunities of cooperatives in New York or in the New England States, a stabilization corporation should be set up for potatoes or for any other product, it is quite obvious that the corporation could not meet the needs and satisfy the wishes of those engaged in the production of potatoes in other parts of the United States.

It is quite obvious, it seems to me, that the operations of the stabilization corporation, functioning largely at the instance of people in a certain section, must result disadvantageously to the work of the farmers in other parts of the United States.

So it seems to me there is merit in the proposition submitted by the Senator from Michigan. He seeks to make the situation more universal; that is, the demand must be more universal instead of purely sectional before a stabilization corporation shall be set up. To permit the stabilization corporation to be set up and function at the instance of a limited number or a small section of our country, I believe, would result in very serious consequences to the commodity and to those engaged in its production in other parts of the United States.

If the amendment is not accepted, I would like to ask the Senator from Oregon what method the Senator would prescribe? What provision does he think exists in the bill that would prevent the evil consequences which inevitably would result from a mere sectional setting up of a stabilization corporation?

Mr. McNARY. Mr. President, I would not approach a solution in the fashion suggested by the Senator from Michigan. I am conscious of the fact that there is no negative provision of the bill that would prevent the board from doing a wrong or

an injury. I do not think there need be. I think the board will take into consideration the transportation problem, regional and climatic conditions, and all other factors that enter into the production of agricultural commodities.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Oregon yield for a statement right there?

Mr. McNARY. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. As a partial answer to the suggestion of my friend the Senator from Utah [Mr. KING] it seems to me that it is quite as likely that the board will be representative of the different sections as that the advisory council will be, and that the board in the first instance, upon reflection, will require evidence of conditions which make necessary the establishment of a stabilization corporation. I am inclining toward the conclusion that it would impair the effectiveness of the proposed act to undertake to place the control of the board under an advisory council. It would divide the responsibility and render the board powerless to function when it felt it ought to do so.

Mr. KING. Mr. President, will the Senator from Oregon yield to me?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Utah?

Mr. McNARY. I will yield in a moment. I think the Senator from Arkansas is quite right in his view. I think, indeed, that the board would be more truly representative than the advisory council. That council consists of 7 members, while the Federal farm board consists of a membership of 12, selected, respectively, from the several Federal land-bank districts; so that the board would be more truly representative of the various sections of the country than would be the advisory council. Of course, the members of the board would understand the conditions in the sections they represented.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Oregon yield to me?

Mr. McNARY. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. As I understand, under the proposed law there is no provision that would prevent the concentration of either the members of the advisory council or of the board in one or two sections; but, assuming that fair effect is given to the statute in the selection of the board, it does seem to be that it is quite likely the board will be more truly representative of the general viewpoint respecting a question of that nature than would the advisory council.

Mr. KING. Mr. President, will the Senator from Oregon yield to me?

Mr. McNARY. I gladly yield to the Senator from Utah.

Mr. KING. I should like, in reply to my friend from Arkansas and also to the Senator from Oregon, to say that the advisory councils provided for in the bill are to deal with particular commodities. The advisory council as to each commodity will consist of seven members, of course, representing that commodity throughout the United States. The board deals with the entire subject of agriculture; it does not specialize with any particular commodity. It is presumed that the advisory council for lettuce, for hay, or for any other commodity—and there will be hundreds of them, of course, considering the variety of agricultural products—will be infinitely better prepared to deal with a particular commodity than will the board consisting of 12 men—these "high-powered" men, to use the expression of the Senator—who are selected probably because of their financial ability and their supposed executive ability to deal with big things and big problems.

If I were an agriculturist and were engaged, for instance, in the production of hay, I should prefer to trust the question of the formation of a stabilization corporation and its importance and necessity to a special advisory council of seven engaged in the production of hay than I would to leave it to the general board of 12 functioning here in Washington and selected largely because of their financial and executive abilities, as it is supposed, this problem possesses such great magnitude as to require men of that character. So it seems to me that the argument made by my friend, potential and persuasive as it is, does not quite meet the situation as covered by the amendment offered by the Senator from Michigan.

Mr. BROOKHART and Mr. NORRIS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Oregon yield; and if so, to whom?

Mr. McNARY. I yield first to the Senator from Iowa.

Mr. BROOKHART. In answer to the suggestion of the Senator from Utah, I wish to call attention to the fact that the advisory council is selected by the board and will, without any doubt, be in sympathy with the board's policy. So this seems to me to be somewhat of an academic question.

Mr. McNARY. That is not quite a full statement. The board selects the advisory council from names submitted by the cooperative associations, which makes quite a difference.

Mr. BROOKHART. I can hardly see that, because the board may veto any names and ask for the submission of others until they get the men they desire.

Mr. McNARY. Of course, if they are going to do wrong, it is a bad proposition.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Michigan.

Mr. NORRIS. Mr. President, it seems to me that this bill would be more effective, and I know it could be administered a great deal more economically, if we should strike out of the bill all of the language providing for advisory councils.

Consider it for a moment. There is to be a board of 12, presided over by the Secretary of Agriculture, each member receiving \$12,000 a year, and devoting his time to the business of his office, that is agriculture in the United States and the carrying out of the provisions of the bill.

It is provided that for each commodity there shall be selected an advisory council consisting of seven men for each commodity. I do not know how many agricultural commodities there are, but there are a good many of them, and there will be an advisory council for each one. The advisory council is selected by the board itself. Although nominations are made to the board, the board is supreme in the selection of the members of the advisory council. It is safe to say there will be several hundred advisory councils organized when the bill shall be in full operation. While the members of the advisory council do not get salaries, each one gets \$20 a day and in addition to that his traveling expenses and a per diem allowance while coming to and going home from Washington. It is safe to say that he will be paid \$30 a day on an average, and his railroad fare, of course, in addition to that. The members of the advisory council will not devote their entire time to this work. They will be selected for various reasons, and they will make at least two trips to Washington every year, for which they will be paid as I have indicated. In my judgment, ultimately the members of the advisory council will be friends of the board who want to take a trip to Washington at the expense of the taxpayers. It will afford a good opportunity for every member of the board to select quite a large number of friends in their respective communities, have them appointed upon advisory councils, and have them twice a year at least, and oftener if necessary, come to Washington at the expense of the Government of the United States.

Mr. CARAWAY. Mr. President, will the Senator yield to me for a moment?

Mr. NORRIS. Yes.

Mr. CARAWAY. The Senator is aware, of course, that the farm board will not have power to select the list from which the advisory council is named?

Mr. NORRIS. No; they will not have that power.

Mr. CARAWAY. The farmers themselves, the producers, must name every one on the list, and it is presumed they are going to name their friends. From the list so made up the board may make its selections, but the board can not initiate the selection of any member of an advisory council.

Mr. NORRIS. I understand the board will have to select the advisory council from the names submitted.

Mr. CARAWAY. Will the Senator permit me further?

Mr. NORRIS. Yes.

Mr. CARAWAY. There will be seven members of the advisory council for the great cotton-growing industry, which furnishes in one way or another the livelihood of a majority of the people residing in seven or eight States. Those seven members of the cotton advisory council will gather information as to local conditions and report it to the board. Would it be very extravagant, even though the members of that advisory council, representing a great agricultural industry that produces more than \$2,000,000,000 worth of farm commodities, should receive \$30 a day, and should come to Washington twice a year, to bear that expense in order that the friends of that industry might inform the board as to the conditions respecting it? Suppose it should cost a thousand dollars or \$2,000, they would be dealing with a commodity of an annual value of about \$2,000,000,000. It seems to me, if the Senator will pardon me—and then I am through—that it is nothing but fair that the producer should have some intermediate agency to inform the board as to the conditions surrounding the industry.

Mr. NORRIS. Mr. President, that is a beautiful theory, but if the farm board shall do any good, as I assume it will, if it shall act in good faith, as I assume it will, if it shall be composed of men of ability, as I assume it will be, the members of the board will know no more about conditions and more about the

different commodities, in my judgment, than 90 per cent of the membership of the advisory councils. The members of the board will devote all their time to their work; they will travel all over the United States; they will obtain all the information—at least I assume they will—that it is possible for anybody to obtain in regard to every commodity coming under the jurisdiction of the board.

While I am not saying that what I have outlined will necessarily happen, it will nevertheless be the tendency. The board will appoint on advisory councils men from the membership of cooperative organizations, which in turn are subject to the board. It would be very easy, as a matter of practical application, for members of the board to have certified to them by cooperative organizations, which are borrowing hundreds of thousands of dollars of them and are in a general way under their complete control, those whom they desire.

Mr. BROOKHART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I will yield in a moment. The members of the advisory council will not be men who are devoting all their time to the study of the question about which they are going to advise the board; in other words, sometimes, and I think in a great majority of the cases, the advice will come from men who know less about the subject than the men to whom they are giving the advice. I now yield to the Senator from Iowa.

Mr. BROOKHART. Mr. President, in that connection I should like to suggest to the Senator that the character of business to be transacted by the farm board is big, overhead business, and not the ordinary business of farming or the ordinary business of farm marketing. The principal business of the board will be the handling of surpluses, and for that kind of work a big business organization is demanded.

Mr. NORRIS. Yes; I think so.

Mr. President, some time ago I gave notice that I was going to move to strike out the provisions of the bill providing for these advisory committees, but I had only one object in view, and I have only one now. I wanted to make the bill as economical as possible and as efficient as possible. I have no disposition, however, even to take the time of the Senate in discussing the matter. If the Senate desires—as many Members who have talked to me think it ought to do—to provide for an advisory committee and have this thing which I believe to be entirely unnecessary, which will not redound to the efficiency and the benefit of the subject, I have no objection to it.

I did not, however, want the occasion to pass without saying this much on the subject. It seems to me we are undertaking to do something that will cost a good many hundreds of thousands of dollars every year, when the work that these advisory committees will do and the benefit that will come from it will not amount to anything.

Mr. KING. Mr. President, I hope the Senator from Nebraska will press his motion to strike from the bill all provisions dealing with the advisory committees if the motion of the Senator from Michigan [Mr. VANDENBERG] shall not be accepted, or some measure which will restrict the setting up of these stabilization corporations, so that upon the demand of any particular section or some limited part of the country these corporations may not be established.

I had hoped that the advisory committee would have some functions to perform. Under the bill as it is now constructed it seems to me that it is a supernumerary organization; and I agree with the Senator from Nebraska that it ought to be abolished, because it is an extravagant accessory to the measure. If, however, we vitalize it and give it some duties to perform, as contemplated by the motion of the Senator from Michigan, I think we should leave the provision in the bill. Otherwise I shall be very glad to vote to strike from the bill all reference to these advisory committees.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Michigan [Mr. VANDENBERG].

The amendment was rejected.

Mr. WALSH of Montana. Mr. President, I send to the desk an amendment which I propose and ask to have stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Montana will be read.

The CHIEF CLERK. The Senator from Montana offers the following amendment: On page 8, line 9, insert after the word "time":

The board shall adopt rules specifying the qualifications requisite to entitle a cooperative association to join in an application for the certification of a stabilizing corporation and all cooperative associations possessing such qualifications shall be permitted to join. And any such

cooperative association shall, at any time, upon application, be entitled to admission to membership in such stabilization corporation upon such terms as the board may from time to time prescribe.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. McNARY. As far as my personal judgment is concerned, I favor the amendment. I think it clarifies, simplifies, and perhaps makes more accurate that which I think is already in the bill. I have, however, told several Members of the Senate that there would be no action to-day beyond that upon the amendment proposed a few minutes ago by the Senator from Michigan [Mr. VANDENBERG]. Therefore I shall be glad if the Senator will defer action on this amendment until Monday. It will then be the pending amendment. The Senator from Indiana [Mr. WATSON] desires an executive session.

Mr. WALSH of Montana. I am quite content.

The PRESIDENT pro tempore. The Chair will state the question in order to have it before the Senate. The question is on agreeing to the amendment proposed by the Senator from Montana. The order for a recess having been made, it will be the pending question on Monday.

#### EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

#### RECESS

Mr. WATSON. I move that the Senate take a recess, under the order heretofore made, until Monday at 12 o'clock.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate, under the order previously entered, took a recess until Monday, May 13, 1929, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate May 10 (legislative day of May 7), 1929*

MEMBER OF THE PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

Harleigh H. Hartman, of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia for the unexpired term of three years from July 1, 1928, vice Harrison Brand, jr.

#### PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

##### To be colonels

Lieut. Col. David Harmony Biddle, Cavalry, from May 2, 1929.

Lieut. Col. William Frederic Holford Godson, Cavalry, from May 6, 1929.

##### To be lieutenant colonels

Maj. Charles Lewis Scott, Quartermaster Corps, from May 2, 1929.

Maj. James Saye Dusenbury, Coast Artillery Corps, from May 6, 1929.

##### To be majors

Capt. Gordon de Lanney Carrington, Coast Artillery Corps, from May 2, 1929.

Capt. William Edward Lucas, jr., Infantry, from May 6, 1929.

##### To be captains

First Lieut. Arthur Penick Moore, Field Artillery, from May 2, 1929.

First Lieut. Clifford Gordon Kershaw, Infantry, from May 3, 1929.

First Lieut. Harry Daniels Scheibla, Infantry, from May 4, 1929.

First Lieut. Edmund Mortimer Gregorie, Infantry, from May 4, 1929.

First Lieut. Robert Virgil Laughlin, Infantry, from May 6, 1929.

##### To be first lieutenants

Second Lieut. Bernard Francis Luebberrmann, Field Artillery, from May 2, 1929.

Second Lieut. Peter Wesley Shunk, Coast Artillery Corps, from May 2, 1929.

Second Lieut. George Curnow Claussen, Cavalry, from May 3, 1929.

Second Lieut. James Frederick Howell, jr., Coast Artillery Corps, from May 4, 1929.

Second Lieut. Russell Layton Mabie, Field Artillery, from May 4, 1929.

Second Lieut. Ewing Hill France, Infantry, from May 6, 1929.

#### MEDICAL CORPS

##### To be major

Capt. Rae Ellsworth Houke, Medical Corps, from May 7, 1929.

#### PROMOTIONS IN THE NAVY

#### MARINE CORPS

Capt. Ralph J. Mitchell to be a major in the Marine Corps from the 22d day of December, 1928.

First Lieut. Willard P. Leutze to be a captain in the Marine Corps from the 15th day of July, 1928.

Second Lieut. Clarence M. Knight to be a first lieutenant in the Marine Corps from the 16th day of July, 1928.

Second Lieut. John D. Muncie to be a first lieutenant in the Marine Corps from the 11th day of February, 1929.

Second Lieut. Philip L. Thwing to be a first lieutenant in the Marine Corps from the 25th day of February, 1929.

Second Lieut. William E. Burke to be a first lieutenant in the Marine Corps from the 2d day of March, 1929.

Second Lieut. Robert G. Hunt to be a first lieutenant in the Marine Corps from the 2d day of April, 1929.

Second Lieut. James E. Kerr, jr., to be a first lieutenant in the Marine Corps from the 9th day of April, 1929.

Quartermaster Clerk Frank M. Sherwood to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 11th day of January, 1929.

#### COAST GUARD OF THE UNITED STATES

George H. Miller to be an ensign in the Coast Guard of the United States, to rank as such from May 15, 1929. (This young man will have satisfactorily completed the course of instruction for cadets at the Coast Guard Academy, has passed the prescribed physical examination, and has served as a cadet the time required by law.)

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate May 10 (legislative day of May 7), 1929*

#### MEMBER BOARD OF MEDIATION

Oscar B. Colquitt.

#### UNITED STATES DISTRICT JUDGE

A. Lee Wyman, district of South Dakota.

#### POSTMASTERS

##### ALABAMA

Edna T. Cobb, Bellamy.

Charlie D. Price, Castleberry.

##### WISCONSIN

Lyle E. Dye, Mazomanie.

Lynn L. Merrill, Princeton.

## HOUSE OF REPRESENTATIVES

FRIDAY, May 10, 1929

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, the most precious thing in us is our aspiration after Thee. So help us that this tendency may never be deceived or perverted. We praise Thee that forever about the altar of prayer Thy guiding light shines forth. We thank Thee for this door of Thy merciful presence. O make it a gateway through which our souls may pass into a sacred temple where the whitest life of the kingdom can be achieved. As chosen servants of the Republic, may we meet wisely the test of our loyalty. In our pathway lies duty. Do Thou, O God, instill in us the high sense of justice, wisdom, and personal honor, that we may always be clean, honest, pure-minded, home-loving, and God-fearing citizens, and thus we shall be blessed by the smile of an approving God. Amen.

The Journal of the proceedings of yesterday was read and approved.